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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Report submitted on 18 December 1989 by Mr. J. Voyame, Special Rapporteur appointed in accordance with resolution 1989/75 of the Commission on Human Rights

*/ In the light of the events which have occurred since the completion of the present report, the Special Rapporteur will submit to the Commission on Human Rights an addendum to document E/CN.4/1990/28.

CONTENTS

		Paragraphs	Page
INTRODUCTION		1 - 11	1
I.	MANDATE AND METHODS OF WORK OF THE SPECIAL RAPPORTEUR	12 - 26	2
II.	GENERAL INFORMATION	27 - 42	6
III.	LEGAL FRAMEWORK	43 - 54	10
	A. International human rights instruments to which Romania is a party	43 - 50	10
	B. Romanian human rights legislation	51 - 54	12
IV.	HUMAN RIGHTS SITUATION IN ROMANIA	55 - 210	13
	A. Right to life and to physical and moral integrity; respect for privacy	56 - 79	13
	B. Administration of justice	80 - 100	17
	C. Freedom of movement	101 - 114	20
	D. Freedom of thought, conscience, religion or belief	115 - 126	23
	E. Freedom of opinion and expression	127 - 138	25
	F. Right of assembly and association; participation in the conduct of public affairs	139 - 147	28
	G. Right to work; trade union rights	148 - 164	29
	H. Right to an adequate standard of living	165 - 175	32
	I. Right to education; cultural rights	176 - 188	34
	J. Rights of persons belonging to minorities	189 - 210	37
V.	CONCLUSIONS AND RECOMMENDATIONS	211 - 235	41

ANNEXES

I.	Specific cases	46
II.	Cases of requests for family reunification	65

INTRODUCTION

1. At its forty-fifth session, the Commission on Human Rights adopted, on 9 March 1989, resolution 1989/75 entitled "Human rights situation in Romania". In that resolution, the Commission: expressed its concern at the allegations of serious violations of human rights and fundamental freedoms in Romania; noted that the policy of rural systematization would, if implemented, lead to a further violation of the human rights of large sectors of the population; noted further that widespread expressions of international concern had contributed to a change in the presentation of that policy; expressed its concern at the imposition of severe obstacles to the maintenance of the cultural identity of Romania's national minorities; noted with concern that Romanian nationals had sought and continued to seek protection and refuge in neighbouring countries for reasons related to serious violations of their human rights; and urged the Romanian Government to abide by its international obligations under the International Covenants on Human Rights.

2. The Commission decided to request its Chairman, after consultation with the Bureau, to appoint a Special Rapporteur to examine the human rights situation in Romania. It requested the Special Rapporteur to report to it at its forty-sixth session.

3. At its first regular session of 1989, on 24 May, the Economic and Social Council adopted decision 1989/154 approving Commission resolution 1989/75.

4. Pursuant to that resolution, the Chairman of the forty-fifth session of the Commission on Human Rights, after consultation with the members of the Bureau, appointed Mr. Joseph Voyame (Switzerland) Special Rapporteur with a mandate to examine the human rights situation in Romania.

5. The following report is submitted to the Commission on Human Rights in accordance with the provisions of paragraph 9 of resolution 1989/75.

6. In chapter I, the Special Rapporteur describes the terms of his mandate and his methods of work, and the activities he carried out in performing the task entrusted to him.

7. Chapter II contains a brief description of the historical and political background and socio-economic factors, in so far as they may affect, and promote better understanding of, the human rights situation in Romania.

8. Chapter III describes the general legal framework, and refers to the principal international human rights instruments to which Romania is a party and to the basic principles of Romanian law relating to human rights.

9. Chapter IV deals with the human rights situation in Romania. It contains an indication of the applicable legislative standards in Romania that guarantee the various human rights and fundamental freedoms, and information on violations of those rights and freedoms.

10. Lastly, in chapter V, the Special Rapporteur submits a number of conclusions and recommendations deriving from his analysis of the information compiled on the human rights situation in Romania.

11. A number of specific cases illustrating the information given in chapter IV and cases of requests for family reunification are listed in annexes I and II.

I. MANDATE AND METHODS OF WORK OF THE SPECIAL RAPPORTEUR

12. The present report was prepared in accordance with resolution 1989/75 of the Commission on Human Rights. In carrying out his mandate, the Special Rapporteur has endeavoured "to seek relevant information from the Government of Romania, specialized agencies, and intergovernmental and non-governmental organizations" (para. 8).

13. In order to be able to carry out his task as well as possible, and since the Commission urged "the Government of Romania to extend its co-operation to the Commission and the Special Rapporteur" (para. 10), on 15 June 1989 the Special Rapporteur addressed the following letter to the Minister for Foreign Affairs of the Socialist Republic of Romania:

> "I have the honour to refer to resolution 1989/75 adopted by the Commission on Human Rights on 9 March 1989 and entitled 'Human rights situation in Romania', the text of which is attached. This resolution was approved by the Economic and Social Council in its decision 1989/154 of 24 May 1989.
>
> In accordance with the provisions of resolution 1989/75, the Chairman of the Commission on Human Rights has appointed me Special Rapporteur with a mandate to examine the human rights situation in Romania. In agreeing to perform these functions, I am fully aware of the importance of the responsibilities with which the Commission has entrusted me. I wish to assure you that I shall spare no effort to carry out my mandate in the most impartial and objective manner possible. To this end, I shall, during the examination of the situation and in preparing my report, endeavour to obtain relevant, precise and reliable information.
>
> In this connection, your Government would undoubtedly be a source of essential and very valuable information. Although I have taken note of the position of the Government of Romania as stated at the most recent sessions of the Commission on Human Rights and the Economic and Social Council, I would be very grateful to your Government if it would co-operate with me in order to enable me to present the Commission with a comprehensive picture of the human rights situation in Romania.

READEX FICHE

For the purpose of my work, it would also be most important for me to establish direct contacts with the competent Romanian authorities. I would therefore be very grateful if you would use your good offices to enable me to visit Romania and to facilitate the arrangements to be made for such a visit.

I remain, of course, at the disposal of the Permanent Representative of the Socialist Republic of Romania to the United Nations Office at Geneva for any consultations your Government might wish to hold on the procedures for the performance of my mandate."

14. In a letter dated 30 June 1989, the Permanent Representative of Romania to the United Nations Office at Geneva informed the Special Rapporteur of the reply by the Romanian authorities, which read:

"... Romania has declared null and void the resolution adopted by the Commission on Human Rights on 9 March 1989. It follows that any action relating to the implementation of this resolution is also null and void."

15. A similar statement reflecting the Romanian Government's official position with regard to this mandate was made by the observer for the Socialist Republic of Romania at the forty-fifth session of the Commission on Human Rights during the consideration, on 9 March 1989, of the draft resolution on the human rights situation in Romania (E/CN.4/1989/SR.56). The Permanent Representative of the Socialist Republic of Romania also reiterated that position in a statement he made in the Second Committee at the first regular session of 1989 of the Economic and Social Council on 16 May 1989.

16. In view of the Romanian Government's position of principle, the Special Rapporteur endeavoured to learn about the human rights situation in Romania by making the best possible use of the available sources. To this end, he took note of various documents which reflect the position of the Romanian Government on human rights or contain specific information provided by the Romanian authorities on human rights legislation and practice.

17. The official Romanian sources to which the Special Rapporteur had access include a document which was transmitted by the Romanian authorities to the Secretary-General of the United Nations on 14 April 1989 and is entitled "Facts and data on the socio-economic development of Romania and the guarantee of basic human rights and freedoms", and a document transmitted to the European Parliament on 8 September 1989 and entitled "Data on Romania concerning socio-economic development; the process of development and modernization of rural communities; the guarantee of the fundamental freedoms and rights of all Romanian citizens".

18. The Special Rapporteur also consulted the following reports submitted by Romania to the monitoring bodies set up to implement the principal international human rights instruments to which it is a party:

(a) Seventh and eighth periodic reports submitted by Romania to the Committee on the Elimination of Racial Discrimination (CERD/C/132/Add.4) under article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination and summary record of the 821st meeting held during the thirty-sixth session of the Committee on the Elimination of Racial Discrimination (CERD/C/SR.821);

(b) Second periodic report submitted by Romania in accordance with Economic and Social Council resolution 1988 (LX) concerning rights covered by articles 6-9 of the International Covenant on Economic, Social and Cultural Rights (E/1984/7/Add.17), and summary record of the 10th meeting held during the first regular session of 1985 of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights (E/1985/WG.1/SR.10);

(c) Second periodic report submitted by Romania to the Committee on Economic, Social and Cultural Rights concerning the rights covered by articles 10-12 of the International Covenant on Economic, Social and Cultural Rights (E/1986/4/Add.17), and summary record of the 6th meeting held during the second session of the Committee on Economic, Social and Cultural Rights (E/C.12/1988/SR.6);

(d) Periodic report submitted by Romania in accordance with Economic and Social Council resolution 1988 (LX) concerning the rights covered by articles 13-15 of the International Covenant on Economic, Social and Cultural Rights (E/1982/3/Add.13), and summary record of the 17th meeting held during the first regular session of 1982 of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights (E/1982/WG.1/SR.17);

(e) Second report submitted by Romania to the Human Rights Committee in accordance with article 40 of the International Covenant on Civil and Political Rights (CCPR/C/32/Add.10), and summary records of the 740th-743rd meetings held during the thirtieth session of the Human Rights Committee (CCPR/C/SR.740-743).

19. The Special Rapporteur took note of the replies by the Romanian authorities concerning allegations of human rights violations made in accordance with various procedures, such as the communications transmitted under the confidential procedure (Economic and Social Council resolution 1503 (XLVIII)), or the allegations made by the Special Rapporteur of the Commission on Human Rights to examine incidents and governmental actions inconsistent with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

20. The Special Rapporteur further took note of the summary records of meetings of various United Nations bodies at which the human rights situation in Romania has been discussed. These bodies include the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

21. In accordance with his mandate, on 18 August 1989 the Special Rapporteur also sent a request for information to the relevant specialized agencies and intergovernmental and non-governmental organizations. He took note of information supplied to him by various specialized agencies and organizations in response to his request. He wishes to refer in particular to the information he received from specialized agencies that have had to deal, within their spheres of competence, with matters relating to his mandate. This information includes the report on the fact-finding mission to Romania undertaken by a UNESCO delegation from 18 to 24 April 1989 as part of that organization's responsibility for the protection of the cultural heritage, and the recent comments made by monitoring bodies of the International Labour Organisation (ILO) on the implementation, by Romania, of international labour conventions relating to basic human rights, especially Convention No. 29 concerning Forced or Compulsory Labour, 1930, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize, 1948, and Convention No. 111 concerning Discrimination in respect of Employment and Occupation, 1958. The Special Rapporteur also consulted the replies by the Romanian Government to allegations concerning the spheres of competence of ILO, and in particular the reply of 9 June 1989, circulated at the 76th International Labour Conference, to the letter dated 17 March 1989 from the International Labour Standards Department concerning implementation of Convention No. 111, and the comments by Romania dated 7 October 1989 and brought to the attention of the 244th meeting of the ILO Governing Body concerning the complaint by a number of workers' representatives of States members of ILO under article 26 of the ILO Constitution.

22. The Special Rapporteur also heard testimony by many persons with recent information on the human rights situation in Romania. He received a great deal of documentation from various non-governmental organizations and private individuals.

23. Since the Special Rapporteur did not receive from the Romanian Government a favourable reply that would have given him access, in accordance with his mandate, to direct sources of information in Romania itself, he made a visit, from 24 to 29 September 1989, to Hungary, where there are now large numbers of Romanians (more than 20,000 are reported to have crossed the border without authorization between mid-1987 and October 1989), many of whom have recent experience of the situation in their country. During this visit, the Special Rapporteur was able to collect recent information which was communicated to him personally by Romanian citizens and other persons.

24. After consulting the available sources and thus familiarizing himself with the human rights situation in Romania on 30 October 1989 the Special Rapporteur addressed a further letter to the Minister for Foreign Affairs of the Socialist Republic of Romania. In this letter, he took note of the position of the Romanian Government, but informed the Romanian authorities that the information he had gathered included allegations of human rights violations. The Special Rapporteur transmitted with the letter a summary of the allegations, together with a list of specific cases and a list of cases of requests for family reunification which had been brought to his attention. In

view of the seriousness of the allegations transmitted, he again invited the competent Romanian authorities to extend their co-operation to him and to transmit their comments on those allegations, so that it might be possible to submit to the Commission the fullest and most accurate information available.

25. In a note addressed to the Centre for Human Rights on 14 November 1989, the Permanent Mission of Romania to the United Nations Office at Geneva reiterated Romania's position, as stated in the letter of 30 June 1989 from the Permanent Representative of Romania.

26. On 11 December 1989, the Special Rapporteur sent the Romanian authorities an updated version of the list of specific cases and the list of cases of requests for family reunification which had been transmitted to them on 30 October 1989. In the absence of a reply from the Romanian authorities, the Special Rapporteur finalized the present report on 18 December 1989.

II. GENERAL INFORMATION

27. Romania has a surface area of 237,500 square kilometres and a population of about 23 million. Nearly half the population (11.8 million persons) live in urban areas. Until the latest administrative reform of 17 April 1989, the country was divided into 40 departments, plus the municipality of Bucharest, 237 towns and 2,705 communes comprising 13,123 villages (which do not have their own administrative structure).

28. In historical terms, the union, in January 1859, of Moldavia and Walachia laid the foundations for the modern Romanian State. Romania's independence was proclaimed in 1877 and recognized by the Congress of Berlin in 1878. Following the First World War and the dismantling of the Austro-Hungarian Empire, under the 1920 Treaty of Trianon, Romania acquired Transylvania, Bessarabia and Bukovina. During the Second World War, northern Transylvania was attached to Hungary. Northern Bukovina and Bessarabia were ceded to the Soviet Union and southern Dobruja to Bulgaria. The Peace Treaty signed in Paris on 10 February 1947 re-established the 1920 border between Hungary and Romania and Romanian sovereignty over all of Transylvania.

29. A pro-Soviet Government headed by Petru Groza was installed in March 1945. After the 1946 elections, most government posts were given to the communists. In December 1947, following the abdication of the King, Parliament announced the establishment of a People's Republic (renamed the Socialist Republic of Romania in 1965). The first Constitution of the Republic was adopted in 1948.

30. According to the 1965 Constitution (republished in 1987), Romania is a unitary State and a socialist republic, where "the Romanian Communist Party is the leading political force of all of society" (art. 3).

31. The supreme organ of State power is the Grand National Assembly, the sole legislative organ, which usually meets twice a year. Under the electoral law, the Democracy and Socialist Unity Front, (which is composed of all the

country's political and social forces and all grass-roots and civic organizations) organizes elections under the leadership of the Communist Party and "nominates deputies to the Grand National Assembly and the people's councils" (art. 3).

32. The Council of State, the supreme organ of State power which functions on a permanent basis, is subordinate to, and elected by, the Grand National Assembly. The Council is presided over by the President of the Republic. The current President of the Republic, Nicolae Ceausescu, was elected in March 1974 and re-elected in 1975, 1980 and 1985 and has been President of the Council of State since December 1967. He has also been General Secretary of the Romanian Communist Party since March 1965 and President of the Democracy and Socialist Unity Front. In addition, he is President of the National Workers' Council, the National Agricultural Council, the Supreme Economic and Social Development Council, to which the State Planning Committee was recently added, and the Defence Council.

33. The functions of the Council of State are, inter alia: to draft legislation (although it is unable to amend the Constitution); to appoint and dismiss the Prime Minister and the Council of Ministers if the Grand National Assembly is not in session; and to interpret the laws in force. The people's councils, which are local organs of State power, are responsible for local government. They ensure "the economic, social, cultural and civic development of the administrative-territorial units where they have been elected, the defence of socialist property, the protection of the rights of citizens, socialist legality and the maintenance of public order" (Constitution, art. 86). The Council of Ministers is an administrative organ which monitors implementation of the decisions of the Grand National Assembly.

34. Under the Constitution, justice is administered by the Supreme Court, the district courts, the magistrates' courts and the military courts (art. 101). The Supreme Court is elected by the Grand National Assembly. The Procurator-General, who is responsible for the work of the Procurator's Office, is also elected by the Grand National Assembly. The Procurator's Office "monitors the work of the criminal prosecution and sentencing bodies" and ensures respect for legality and the defence of the socialist régime (art. 112). The people's judges and assessors and the chief prosecutors of the departments and the municipality of Bucharest are elected by the people's councils. The Grand National Assembly and, between sessions, the Council of State are empowered to grant amnesty. In the past few years, amnesties have regularly been granted by decree (17 since 1965), notably in 1981, 1984, 1986, 1987 and 1988. Under the amnesty decree published on 27 January 1988, all persons sentenced to 10 years' imprisonment or less were amnestied. Sentences of more than 10 years were reduced by half, and death sentences were commuted to 20 years' imprisonment.

35. Until the Second World War, there were some 60 religious sects in Romania. Under Decree No. 177/1948 of 1948, sects wishing to organize their activities have to be recognized by decree of the Council of State on the recommendation of the Department of Worship. At present, 14 religious sects carry out their activities on the basis of statutes adopted by agreement with the State. The Orthodox Church has between 16 and 18 million members. The second largest Church is the Roman Catholic Church, with some 1.3 million members, of whom most (about 700,000) are of Hungarian ethnic origin and about 100,000 of German origin. Of the Protestant churches, the largest is the Reformed Church, which is composed primarily of Hungarians. Mention may also be made of the Lutheran Church, composed mainly of Germans, and the Baptist Church. The Jewish community had about 400,000 members after the Second World War, but most of them have emigrated and only about 20,000 are now left. The Churches which are not legally recognized include the Greek (Uniate) Catholic Church, which was officially disbanded by governmental decree on 1 December 1948 and is reported to have more than 1.5 million members, the Army of the Lord, with about 400,000 members, the Jehovah's Witnesses, and the Nazarene Church.

36. In addition to ethnic Romanians (89.1 per cent of the total population, according to the 1977 census), Romania comprises minorities which are officially known as "co-inhabiting nationalities" and include ethnic Hungarians, who are estimated at between 1.7 and 2.5 million (7.7 per cent of the population) gypsies, estimated at between several hundred thousand and over 1 million (0.4 per cent of the population), ethnic Germans, estimated at some 250,000 (1.5 per cent of the population), ethnic Ukrainians, Serbo-Croatians and Jews (0.3 per cent, 0.2 per cent and 0.1 per cent of the population, respectively), and ethnic Russians, Tartars, Slovaks and Turks (each group less than 0.1 per cent of the population). All the above figures are based on the 1977 census. There is also a Catholic Hungarian-speaking community, the Csangos, who have lived in Moldavia for several centuries and number about 250,000 persons. The Csangos are not officially regarded as one of the "co-inhabiting nationalities".

37. The Romanian economy "is a socialist economy based on socialist ownership of the means of production" (Constitution, art. 5). The nationalization of industrial and financial institutions and the collectivization of agriculture began in 1948. In the early 1980s, new measures were taken to restrict the non-socialized sector of the economy. A system was thus set up for the control of the agricultural production of non-collectivized villages (9.4 per cent of agricultural land, 4.9 per cent of arable land) and of plots given to peasants belonging to co-operatives for their own use (6.1 per cent of agricultural land), and compulsory deliveries to the State Fund were instituted, quantities and prices being imposed. The Romanian economy was primarily agricultural until the Second World War, but it has since been thoroughly restructured and modernized. The industrial sector now accounts for over 60 per cent of national income. The economic strategy focuses mainly on heavy industry (oil, natural gas, mining, iron and steel, mechanical engineering, chemical industry, timber processing). Because of the 1981 policy of speeding up repayment of the external debt, which originally

amounted to over $10 billion and, according to an announcement in March 1989, had been repaid in full, together with the cost of the imports required for the operation of the iron and steel and petrochemical industries, much of the country's agricultural production was exported. Austerity measures were decreed as from 1981. The military assumed responsibility for certain sectors of the economy, particularly transport and telecommunications, port activities, the national shipyards, mining and energy.

38. In order to achieve accelerated industrialization objectives, in October 1967 the Central Committee of the Romanian Communist Party adopted "principles for the improvement of the territorial-administrative organization of Romania and the systematization of rural areas". The purpose of this restructuring was to compress villages into concentrated built-up areas in order to increase population density and reduce the amount of land in use. The concentrated villages were thus to be converted into large-scale farming centres where industries could be established. The development programme for rural communities approved by Parliament 15 years ago (Act No. 54/1974) was officially designed to stabilize the population of rural areas and curb migration to the towns by promoting the development of communes. The main legal instrument for the systematization is Act No. 58/1974 on urban and rural planning. A number of reforms of the administrative structure have been carried out in order to give effect to this policy. The latest was on 17 April 1989 and establishes three levels: the departments, of which there are 40; the municipalities and towns, which increased in number from 237 to 265 when 28 agro-industrial centres were given the status of towns; and the communes, of which there are 2,359 and which include chief towns and over 13,000 villages without an administrative structure of their own.

39. The rural communities may be divided into four categories depending on the priority attached to their development:

(i) 540 agro-industrial centres which are due to become towns (some already are). They will offer community services to the population living within a radius of 15-20 km. They are not a special administrative division (they are communes), but a small team of persons is responsible for co-ordinating development policy;

(ii) 1,800 chief towns (which will in the long term become agro-industrial centres);

(iii) Large villages, which will not become agro-industrial centres, but will nevertheless be modernized;

(iv) Small villages, which have no development prospects and will not be modernized.

There are apparently about 10,000 villages in the third and fourth categories. Of the villages in the fourth category, 500 have fewer than 50 inhabitants and 200 have already been abandoned.

40. Modern districts are now being developed on the outskirts of large cities. In Bucharest, according to the observations of the mission to Romania by a UNESCO delegation in April 1989, "ribbon urban developments are springing up throughout the former agricultural zone surrounding the capital. Small villages near large towns (including Bucharest) are thus becoming urban areas with high-rise buildings along main roads, although a few isolated cottages are still to be seen as evidence that these villages once existed. On the outskirts of Bucharest, large parts of villages have been completely razed for the construction of new infrastructures (hydraulic plant, for example) and new dwellings, particularly in Mihailesti, Cornetu, Buda and Balotesti. These operations are under way now".

41. According to this plan, there are two categories of villages: those where investments will be made in order to improve infrastructure and build modern dwellings; and those which will be attached to the former as villages where houses that have not been kept up will die "a natural death". This plan involves a number of risks for the rural heritage; in villages where investments are to be made, the risks are inherent in modernization and, in villages without any development prospects, they are inherent in abandonment.

42. The policy of systematization will also be applied in some parts of inner cities and, in particular, in historic districts. In Bucharest, for example, the central Uranus district has been almost completely remodelled and is bisected by the broad Victory of Socialism Avenue, which is lined with new buildings and leads to the Civic Centre, which is nearing completion. This restructuring has led to the destruction of many buildings, including historic buildings (see chap. III, sect. I, below). Although there are reports of similar destruction in the historic centres of several other towns, it was found during visits by the UNESCO mission to Banat (Timis department) and Transylvania, that the centres of towns such as Timisoara, Sibiu and Brasov were being conserved, maintained and restored as a matter of policy.

III. LEGAL FRAMEWORK

A. International human rights instruments to which Romania is a party

43. Romania is a party to the principal international human rights instruments. In particular, on 27 June 1968 it signed the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. Together with the Charter of the United Nations and the Universal Declaration of Human Rights, the two Covenants constitute the essential legal framework enabling the human rights situation in a given country to be evaluated at the international level. They were ratified by the Romanian Council of State through Decree No. 212 of 31 October 1974. Romania has also ratified the following international instruments: the 1965 International Convention on the Elimination of All Forms of Racial Discrimination; the 1979 Convention on the Elimination of All Forms of Discrimination against Women; the 1960 Convention against Discrimination in Education; the 1948 Convention on the Prevention and Punishment of the Crime of Genocide; the 1973 International Convention on the

Suppression and Punishment of the Crime of Apartheid; the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery; the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others; ILO Convention No. 29 concerning Forced or Compulsory Labour, of 1930; ILO Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize, of 1948; ILO Convention No. 111 concerning Discrimination in respect of Employment and Occupation, of 1958.

44. Romania periodically submits information in the form of reports on the legislative and practical measures adopted to ensure the rights recognized in these international instruments, and participates in the various committees and bodies set up under the instruments to consider their implementation (in this connection, see chap. I, paras. 17-21, above).

45. In addition to the international instruments to which it has acceded within the framework of the United Nations, Romania is legally bound by a number of other international human rights instruments. Thus, article 3, paragraph 1, of the Treaty of Peace with Romania, signed in Paris on 10 February 1947, stipulates that Romania shall take all measures necessary to secure to all persons under Romanian jurisdiction, without distinction as to race, sex, language or religion, the enjoyment of human rights and of the fundamental freedoms, including freedom of expression, of press and publication, of religious worship, of political opinion and of public meeting.

46. Romania is also a signatory to the Final Act of the Conference on Security and Co-operation in Europe, signed at Helsinki on 1 August 1975, and to the Concluding Document of the Vienna Meeting relating to the Follow-up to the Helsinki Agreements, signed on 18 January 1989.

47. Romania, which under its international obligations is legally bound to observe the provisions of these various instruments, considers, in accordance with the official position set out by its representatives in a number of international bodies, that those obligations are subject to the restrictions ensuing from respect for the principle of non-interference in domestic affairs.

48. Accordingly, at the close of the Vienna Meeting on 18 January 1989, the Romanian Minister for Foreign Affairs made the following statement:

> "We reaffirm ... Romania's firm stand that all the provisions of the Final Document, as mentioned in its very contents, should be implemented within the constitutional framework and according to the domestic laws and regulations of each country, in line with its specific traditions and conditions".

49. Similarly, the document submitted to the Secretary-General in April 1989 and entitled "Facts and figures relating to the social and economic development of Romania and to the guaranteeing of fundamental human rights and freedoms" states:

> "... as human rights may only be achieved within the national framework of each country, any action that infringes the fundamental powers of a State can only be detrimental to the humanitarian objective".
>
> "... Romania will not accept any act which, by invoking human rights, interferes with its sovereign powers; ... it will not accept ... any form of investigation or monitoring of problems relating to its domestic order".

50. Finally, the document transmitted by the Romanian authorities to the European Parliament on 8 September 1989 inter alia, makes the following observations:

> "Circumstances in Romania bear witness to the fact that the protection, exercise and observance of human rights are intimately linked to the organization of the economic, social and political life of each State, and to the set of legislative, administrative, judicial and other measures adopted within the territory of a country to regulate relations between its inhabitants. Accordingly, problems relating to the achievement of human rights and fundamental freedoms, and to the choice of means of economic and social development can only be solved within the national framework of each country and fall within the sovereign rights and duties of each State and people, bearing in mind its specific characteristics and actual circumstances at any given moment".

B. Romanian human rights legislation

51. Title 2 of the Constitution of the Socialist Republic of Romania lays down the fundamental rights and duties of citizens. It guarantees equal rights for all citizens, the principle of non-discrimination, and the right to work and rest, to material security and to education (arts. 17-21). It guarantees the right of the co-inhabiting nationalities to employ their mother tongue (art. 22), as well as equality between the sexes, protection for the family and young people, the right to participate in public affairs, the right to meet and to associate with others, freedom of expression, freedom of conscience, the inviolability of the individual and the home, privacy of correspondence, the right to redress in respect of State bodies, the right to property and the right of inheritance (arts. 23-27). Pursuant to article 39, "each citizen ... is required to respect the Constitution and the laws, defend socialist property, and contribute to the strengthening and development of the socialist régime".

52. The constitutional provisions relating to protection of the various human rights set out above are reaffirmed and laid down in detail in a number of legislative texts. These include: The Electoral Act (No. 67/1974, amended and repromulgated in 1979 and 1987); the Penal Code; the Code of Criminal Procedure; the Code of Civil Procedure; the Education and Teaching Act (No. 28/1978); Act No. 3/1978 concerning the protection of public health; the Labour Code Act (No. 10/1972); the Press Act (No. 3/1974, repromulgated in 1978); and the Family Code.

53. In addition to the constitutional and legislative provisions adopted by the Grand National Assembly, a large number of decrees, decisions, instructions, orders and directives are issued by various central State administrative bodies. These instruments, some of which are simply oral directives whose contents are not published, occasionally contain provisions concerning fundamental rights and freedoms which are not always in keeping with the principles laid down in the Constitution.

54. The principal legal provisions in force in Romania in the area of human rights are set out in the various sections of chapter IV below, in which these rights have been classified for the purposes of this report.

IV. HUMAN RIGHTS SITUATION IN ROMANIA

55. Noting that Romania is a party to the International Covenant on Economic, Social and Cultural Rights, in resolution 1989/75, paragraph 6, the Commission on Human Rights urged "... the Romanian Government to abide by its international obligations under the Covenants". Accordingly, the human rights dealt with below have been subdivided into 10 major categories which correspond to the relevant articles of the two Covenants. These are: (a) the right to life and to physical and moral integrity; respect for privacy; (b) the administration of justice; (c) freedom of movement; (d) freedom of thought, conscience, religion and belief; (e) freedom of opinion and expression; (f) right of assembly and association; participation in the conduct of public affairs; (g) right to work; trade union rights; (h) right to an adequate standard of living; (i) right to education; cultural rights; and (j) rights of persons belonging to minorities. The summary of the allegations, subdivided into these 10 groups and set out below, is preceded by an outline of the principal international instruments and Romanian domestic legislation relevant to the area in question.

A. Right to life and to physical and moral integrity; respect for privacy

1. Legal framework

56. Article 6, paragraph 1, of the International Covenant on Civil and Political Rights stipulates that "every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life".

57. Article 7 of the Covenant provides that "no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment".

58. Pursuant to article 10, paragraph 1, of the Covenant "all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person".

59. Pursuant to article 17 of the Covenant:

> "1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family home or correspondence or to unlawful attacks on his honour or reputation.
>
> "2. Everyone has the right to the protection of the law against such interference or attacks".

60. Under Romanian legislation, the death penalty is in principle considered to be an "exceptional measure adopted in respect of the most serious offences" (Penal Code, art. 54). A number of crimes carry the death penalty: crimes against the State, in particular treason, sabotage and espionage; economic crimes, in particular acts aimed at undermining the economy; misappropriation of public property by a public official with serious consequences; major theft of public property; murder involving cruelty; cruel and inhuman treatment of prisoners; and a number of offences falling under the jurisdiction of military justice. Romanian legislation allows the death penalty to be commuted to a penalty of 15-20 years' imprisonment.

61. Article 31 of the Romanian Constitution guarantees the inviolability of the individual. Decree No. 367/1971 relating to arms, munitions and explosives and regulating the use of firearms by authorized bodies, in particular frontier guards, has been supplemented by Decree No. 170 of 17 July 1989.

62. Article 52 of the Penal Code provides that the imposition of a penalty may not cause physical suffering or physically degrade the prisoner. The Penal Code further provides that inflicting cruel treatment on a person held in custody or undergoing a penalty or security or rehabilitation measure is punishable by imprisonment for one to five years. Similarly, the use of promises, threats or violence against a person during the pre-trial proceedings or trial in order to obtain statements is punishable by imprisonment for one to three years (Penal Code, art. 266, para. 2).

63. The courts may impose penalties which do not involve custody but take the form of compulsory labour, pursuant to the provisions of article 86 of the Penal Code (new article introduced by Act. No. 6/1973) and Decree No. 218/1977. Pursuant to article 191 of the Penal Code, "forcing a person, in cases other than those prescribed by law, to provide labour against his will or perform compulsory labour constitutes an offence punishable by imprisonment for six months to three years".

64. Pursuant to Decree No. 12/1965, persons affected by mental disturbance may be committed to a psychiatric institution.

65. The Application of Penalties Act (No. 23/1969) stipulates that any prisoner, without distinction as to his legal status (pre-trial detention or serving a sentence), has the right to receive and send correspondence, to be visited by his relatives or friends, and to consult a lawyer (arts. 17, 18 and 40).

66. Any unlawful detention or arrest, or any application of a penalty or security or rehabilitation measure in a manner other than as provided for by law constitutes the offence of unlawful arrest and is punishable by imprisonment for six months to three years (Penal Code, art. 266, para. 1).

67. Article 32 of the Constitution guarantees the inviolability of the home. Entry into a person's home without his consent, and refusal to leave it at his request constitute offences under article 192 of the Penal Code.

68. The privacy of correspondence and telephone conversations is guaranteed by article 33 of the Constitution.

69. Unlawful opening of correspondence or interception of a telephone conversation, telegram or other form of communication constitute an offence punishable by imprisonment for one month to one year, or by a fine. The removal, destruction, withholding or divulgation of correspondence, and the interception of a conversation or communication carry the same penalty (Penal Code, art. 195).

70. Decree No. 770/1966 forbids the termination of pregnancy, except in certain exceptional circumstances. By a decision dated 24 February 1984, the Executive Political Committee of the Romanian Communist Party approved the governmental directive designed to increase the birth rate. The measures adopted include a compulsory monthly gynaecological examination of working women aged 20 or over, in addition to compulsory medical treatment in cases of sterility.

2. Alleged violations

71. A summary of allegations concerning violations of the right to life and to physical and moral integrity, and of the right to respect for privacy is given below.

72. According to information received by the Special Rapporteur, several deaths and forced disappearances have occurred in recent years, either as a result of maltreatment during interrogation by Securitate (State police) personnel, during detention, in the course of attempts to leave the country without authorization or in as yet unexplained circumstances.

73. The information received refers to cases of brutal treatment by frontier guards of persons arrested at night during attempts to cross the border unlawfully.

74. There are many reports of brutality and maltreatment suffered by detainees. The methods used are alleged to include electric-shock treatment, blows with sandbags, electric cables or rubber truncheons, solitary confinement and psychological humiliation. Blows and threats are frequently employed to obtain confessions during interrogations in police premises.

75. Mention has also been made of poor conditions of detention, particularly in the case of prisoners charged under Decree No. 153/1970 (see sect. B, above). The problems referred to include: inadequate diet, medical attention and hygiene; frequent bans on visits or parcels as a form of punishment; withholding of detainees' correspondence; and long hours of forced labour. It is alleged that in Calea Rahovei prison near Bucharest prisoners are kept in solitary confinement for periods of up to two weeks and are occasionally chained, as a form of punishment. Conditions at Poarta Alba prison are said to be particularly distressing and to have given rise to severely repressed hunger strikes and suicide attempts.

76. Since 1984 there have been several further reports of arbitrary internment in psychiatric institutions, which had allegedly ceased in the late 1970s.

77. Many cases of physical maltreatment, harassment, intimidation and psychological pressure against various categories of person (in particular, certain members of ethnic minorities, would-be emigrants, persons who had criticized leaders or government policy, trade unionists, members of certain religious faiths or former detainees) have been reported. Such violations of physical and moral integrity take various forms, such as torture and physical maltreatment, confiscation of property, police surveillance, restriction on freedom of movement, threats against relatives and encouragement of denunciation.

78. The reports also refer to various types of arbitrary infringement of privacy, in particular body searches and house searches, telephone-tapping, confiscation or vetting of correspondence, and restrictions on personal contacts and telephone communications. In some cases, these infringements have affected whole sectors of the population. Thus the measures taken to monitor implementation of the stringent energy-consumption restrictions have provided opportunities for a large number of house searches and body searches in homes. Furthermore, directives aimed at raising the population growth rate have entailed the introduction of regular gynaecological examinations at work places so as to prevent abortions.

79. As to allegations of violations of the right to life, to physical and moral integrity, and to respect for privacy, a number of cases are listed in annex I below.

(Right to life, cases 29, 33, 38, 39, 48, 61, 64, 67, 87, 108, 127, 129, 132; right to physical and moral integrity and right to respect for privacy, cases 1, 3, 5, 14, 16, 19, 22, 23, 25, 31, 34, 35, 36, 38, 41, 44, 45, 47, 50, 52, 53, 58, 59, 62, 76, 79, 82, 84, 89, 90, 93, 95, 98, 99, 102, 105, 106, 108, 109, 113, 117, 119, 122, 123, 130, 133).

B. Administration of justice

1. Legal framework

80. Article 9 of the International Covenant on Civil and Political Rights provides a number of guarantees against arbitrary arrest and detention. They include the right of everyone to be informed promptly of the reasons for his arrest and of any charges against him, the right of anyone arrested or detained on a criminal charge to be brought promptly before a judge and the right to trial within a reasonable time or to release, the right to take proceedings before a court in order that the court may decide without delay on the lawfulness of the detention and order his release if the detention is not lawful, and the enforceable right to compensation of anyone who has been the victim of unlawful arrest or detention.

81. Article 14 of the International Covenant on Civil and Political Rights contains a number of principles and guarantees to secure the proper administration of justice: the right of all persons to equality before the courts and tribunals; the right of everyone to a fair and public hearing by a competent, independent and impartial tribunal established by law; the right to be presumed innocent until proved guilty according to law. In accordance with paragraph 3 of this article, everyone shall be entitled to the following guarantees, inter alia: the right to be informed promptly of the nature and cause of the charge against him; the right to have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing; the right to be tried without undue delay; the right to be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; the right to examine, or have examined, the witnesses on his behalf; the right not to be compelled to testify against himself or to confess guilt. Paragraph 5 states that everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.

82. The right to an effective remedy for any person whose rights or freedoms as recognized in the International Covenant on Civil and Political Rights are violated is provided in article 2 of the Covenant.

83. Romanian law also provides a number of guarantees concerning the administration of justice. For example, article 31 of the Constitution, which guarantees the inviolability of the person, specifies, inter alia:

> "No one may be detained or arrested unless there is proof or sound evidence against him to show that he has committed an act provided for and punishable by law. Investigating authorities may order the detention of a person for a period of not more than 24 hours. A person may only be arrested by virtue of a warrant of arrest issued by a court or a procurator.
>
> "The right of defence is guaranteed throughout the trial."

84. The Code of Criminal Procedure provides that measures which may lead to pre-trial custody, namely, arrest and detention, may not be ordered unless there is well-founded evidence or indications that the person in question has committed an act punishable in criminal law, and only in certain cases provided for by law, namely: flagrante delicto, escape or concealment by the detainee in order to evade proceedings or trial; attempt by the detainee to influence a witness or destroy material evidence; liability to a penalty of more than two years' imprisonment in respect of the act perpetrated and a situation where leaving the detainee at liberty would constitute a danger to public order (arts. 143, 146 and 148).

85. Detention may be ordered by the investigating bodies for a maximum period of 24 hours, without possibility of extension. Should it prove necessary to extend the deprivation of freedom, provision must be made for pre-trial detention (Code of Criminal Procedure, arts. 143 and 144).

86. Pre-trial detention may be imposed only by means of a detention order issued by the prosecutor or the court (Code of Criminal Procedure, arts. 146 and 151).

87. The order must mention, in addition to other particulars, the offence with which the person is charged and the specific reasons for his arrest.

88. A copy of the order must be given to the accused so that he may be directly and immediately informed of the reasons for his detention and the charges against him (Code of Criminal Procedure, arts. 137, 151 and 152).

89. The Code of Criminal Procedure also specifically restricts the duration of detention of accused persons. The duration of detention of a person against whom criminal proceedings have been instituted may not exceed five days (arts. 146, 220 and 233). If criminal proceedings have begun, the duration of detention may not exceed one month. It may be extended, under the conditions established by law, on a maximum of three occasions following examination of the relevant documents and the hearing of the accused, by the prosecutor senior to the prosecutor who proposes the extension or by the senior chief prosecutor of the Public Prosecutor's Department when the detention order was issued by a chief prosecutor. The reasons for the decision must be stated (Code of Criminal Procedure, arts. 149, 155 to 157).

90. Romanian legislation provides a number of other guarantees to prevent illegal deprivation of freedom. Mention may be made of articles 71 and 72 of Act No. 58/1968 relating to the organization of the Judiciary and articles 23 et seq. of Act No. 60/1968 relating to the organization and operation of the Public Prosecutor's Department of the Socialist Republic of Romania. In accordance with these provisions, the President of the Departmental Court or the judges delegated by him or the prosecutors have an obligation to verify the legality of the detention, at the place of detention itself; they may consider requests and complaints from detainees, and may interview detainees without any third party present.

91. Various articles of the Code of Criminal Procedure establish the obligation of the competent judicial bodies to verify the legality of the procedure. These include articles 141, 152, 153, 157, 252, 275 and 300.

92. The right of the accused to be assisted by a defence counsel, as guaranteed in article 31 of the Constitution, is also established in the Code of Criminal Procedure (arts. 6 and 7) and in Act No. 23/1969 on the régime for the application of the penalty of imprisonment.

93. Legal aid by a lawyer is theoretically optional, but is obligatory when the accused is under detention, even in connection with another case. If the accused has not selected a defence counsel, steps are taken ex officio to appoint such counsel, whose powers cease when a selected counsel makes his services available (Code of Criminal Procedure, art. 171).

94. The Code of Criminal Procedure also limits in camera proceedings to certain specific cases; they are possible mainly when it is considered that proceedings in open court would jeopardize the interests of the State or socialist morality (art. 290).

95. As indicated above (see sect. A), the use of promises, threats or violence during the pre-trial proceedings or trial in order to obtain statements is forbidden by law (Penal Code, art. 226, para. 2).

96. The right of appeal is guaranteed by the Romanian Constitution (arts. 34 and 35). Any person who is arbitrarily detained has the right to compensation by the State for the injury he has suffered. In accordance with article 504, paragraph 2, of the Code of Criminal Procedure, the right to such compensation falls to a detainee against whom proceedings have subsequently been dropped or who has been acquitted because he did not commit the act with which he was charged or because the act was never committed.

97. Any unlawful detention or arrest, or any application of a penalty or security or rehabilitation measure in a manner other than as provided for by law is punishable by imprisonment for six months to three years (Penal Code, art. 266, para. 1).

2. Alleged violations

98. A summary of allegations concerning judicial procedures at variance with the aforementioned provisions is given below.

99. The information received by the Special Rapporteur draws attention to judicial procedures at variance with the international standards in force, notably the International Covenant on Civil and Political Rights, and internal legislative provisions. The information also refers to the existence of a number of decrees, ministerial orders and directives whose contents are not always published and whose implementation, in practice, severely curbs the exercise of legal guarantees expressly provided by Romanian legislation. House searches and arrests are often ordered by the police or Securitate,

without a warrant. Persons summoned to the Securitate offices are frequently subjected to protracted interrogation, during which they are ill-treated and threatened in a variety of ways. Incommunicado detention may continue for several months. Frequent cases of restricted residence, a measure not specified in Romanian law, have recently been reported. Cases of breaches of the legal guarantees provided by law are said to include: denial of access by an accused person to a counsel or a counsel of his own choosing; denial of the right to communicate with his family; denial of the right of the accused to be informed of the charges against him; denial of the right to secure the attendance and examination of witnesses on his behalf in the same conditions as witnesses against him. Court-appointed lawyers generally plead guilty even against the instructions of the accused and merely beseech the court's leniency. In addition, the penalty is alleged to be often set in advance.

100. The information received also draws attention to improper recourse to certain provisions of domestic legislation, including those of article 166 of the Penal Code concerning propaganda against the socialist State, or those of Governmental Decree No. 153/1970 punishing "parasitism" and violation of civic duties, or again the provisions concerning economic crimes, in order to enable legal proceedings to be instituted against persons critical of governmental policy. In many cases, these persons are not allowed to communicate with their family during the pre-trial investigation, are compelled to select an officially-authorized lawyer and have access to the relevant papers only at the last moment. Their trial usually takes place in camera.

(Cases 5, 8, 10, 18, 24, 33, 34, 35, 41, 44, 45, 46, 47, 50, 52, 53, 68, 77, 79, 88, 89, 90, 98, 99, 103, 105, 109, 114, 115, 123 and 126)

C. Freedom of movement

1. Legal framework

101. Article 12 of the International Covenant on Civil and Political Rights establishes the right of everyone lawfully within the territory of a State to liberty of movement and freedom to choose his residence; and to be free to leave any country, including his own, and to return to it. These rights may not be subject to any restrictions other than those which are provided by law, are necessary to protect national security, public order, public health or morals, or the rights and freedoms of others, and are consistent with the other rights recognized in the Covenant.

102. The principle of freedom of movement, including the right to leave one's own country and to return to it, is also covered by the relevant provisions of the Final Act of the Helsinki Conference on Security and Co-operation in Europe and reaffirmed in principle 20 of the Concluding Document of the Vienna Meeting relating to the Follow-up to the Helsinki Agreements, which ended in January 1989.

103. In Romania, an order issued in 1957 broadened the competence of the people's councils in respect of authorizations for change of domicile. Since 1968, a decision by the Council of Ministers has regulated the number of people who may reside in certain towns. And with effect from 1971, anyone wishing to reside in these towns has been required to produce a document attesting that his accommodation is ensured in the town in question. A decree-law of 1976 establishes the conditions for residing in the 14 largest Romanian cities. Access to certain frontier zones is restricted for Romanian citizens, and residence in them is regulated by Decree No. 170 of 17 July 1989 amending the earlier decrees of 1969 and 1971 concerning border surveillance.

104. Article 1, paragraph 2, of Act No. 12/1971 on the employment and promotion of personnel working for the State socialist units provides that citizens may choose their place of work. However, under article 7 (1) of Act No. 25/1976 relating to the employment in useful work of persons fit for work, any posting is obligatory. The person appointed is required to report forthwith to the unit in question. Article 9 (1) of the same Act states that, should the person refuse to take up a job or vocational training scheme and continue to lead a parasitic life, he will be compelled, by court order, to work for a year on a building site or in an agricultural, forestry or other economic unit (see also sect. G, para. 15, below).

105. The posting of young university or university institute graduates is regulated by Council of State Decree No. 54/1975. It is effected, in the terms of the decree, "on the basis of the results achieved in studies, and taking into account certain criteria of a social nature" (art. 4). A governmental commission appointed by order of the Council of Ministers organizes the assignment of graduates (art. 6).

106. With regard to the right to leave any country, including one's own, Romanian legislation concerning passports (Decree No. 156/1970 and Council of Ministers decision No. 424/1970) states that passports are issued to applicants for the purpose of temporary travel abroad by the departmental inspectorates of the Ministry of the Interior and to applicants wishing to take up residence abroad by the Passport and Visa Commission of the Council of Ministers.

107. A passport may be refused in respect of, or withdrawn from, a Romanian citizen:

(a) Against whom criminal proceedings have been instituted or charges brought, so that he may stand trial in a criminal court;

(b) Who is in debt to a socialist organization or a natural person and is seeking to avoid repaying the debt by leaving the country; or

(c) Who, by going abroad, might harm the interests of the Romanian State or its good relations with other States.

108. Article 245 of the Penal Code states:

> "Entering or leaving the country by unlawfully crossing the border is punishable by six months' to three years' imprisonment.
>
> Any attempt to leave the country unlawfully is punishable.
>
> The procurement of means or instruments, or the taking of certain measures, that clearly indicate a person's intention of crossing the border unlawfully is also considered as such an attempt".

109. A number of decrees also set certain limits on freedom of movement. Thus, exit visas are valid for only six months from the date of issue; private travel, except in certain specific cases, is authorized only once every two years; similarly, permission to travel for personal reasons is granted only within the limits of the foreign currency available under the State Plan; lastly, Romanian citizens wishing to marry aliens have to apply for and obtain official permission before they are able to leave the country.

2. Alleged violations

110. A summary of allegations concerning violations of the right to freedom of movement is given below.

111. According to the information received, the right to freedom of movement and freedom to choose one's place of residence within Romania is subject to various restrictions. Some of these measures (restriction on freedom of movement, forcible transfers and restricted residence) have already been mentioned (see sects. A and B above). A change of residence within Romania, including moving to the largest cities, is subject to prior authorization by the police, as is access to frontier zones, as stated above (see para. 103).

112. Anyone sent to a particular work place is compelled to report to the place indicated or incur prosecution, in accordance with Act No. 25 of 1976 relating to the employment in useful work of persons fit for work. Moreover, under the rural systematization policy, a number of persons are reported to have been compelled to leave their place of residence and live elsewhere, either because their homes were demolished or because they were deprived of essential community services such as road maintenance, public transport, schools, etc. Under the assignment system, young people who have completed the 10 years of compulsory schooling and wish to continue their studies are dispersed, after their entrance exam for the eleventh year, in schools in various regions of the country where they should in theory spend five years (three years of theoretical training and two of practical training). Those who have completed the twelfth year are obliged, after military service, to accept the post allotted to them, in accordance with their field of competence, for periods of between three and five years, often away from their homes. As this employment "contract" involves a change of domicile on their identity card, these young people are subsequently unable to return, unless they have permission, to their places of origin in order to resume residence

there. University graduates are also affected by this centralized posting system. The postings lead, in many cases, to family separation and cut young people off from their family and cultural traditions, and in the case of persons belonging to minorities this is perceived as an attack on their cultural integrity.

113. The information received also refers to many infringements of the right to leave any country, including one's own, and to return to it. The provisions of article 12 of the Passports Act, which states that the issue of a travel document is left to the discretion of the authorities, have often led in practice to lengthy administrative delays in the issue of passports. Passports for purposes of tourism are reportedly very difficult to obtain, particularly in the case of applications by an entire family. Would-be emigrants render themselves liable to harassment, loss of employment, demotion and even imprisonment. Reprisals are frequently carried out against relatives of persons who have emigrated. Many people who have tried to cross the border without permission have been prosecuted under article 245 of the Penal Code. Information has also been received on many cases of ill-treatment incurred by persons caught at the border, and at least one death while attempting to leave the country without authorization (see sect. A above).

114. Several hundred applications for family reunification are pending. A list of cases recently brought to the attention of the Special Rapporteur is contained in annex II.

(Cases 1, 3, 6, 7, 8, 12, 15, 16, 19, 22, 25, 27, 29, 31, 36, 38, 43, 48, 55, 62, 67, 76, 79, 90, 102, 108, 113, 117, 118, 119, 121, 122, 126)

D. Freedom of thought, conscience, religion or belief

1. Legal framework

115. Article 18 of the International Covenant on Civil and Political Rights guarantees the right to freedom of thought, conscience and religion; this right implies freedom to have or to adopt a religion or belief of one's choice, and freedom, either individually or in community with others and in public or private, to manifest one's religion or belief in worship, observance, practice and teaching (para. 1). States undertake to have respect for the liberty of parents and legal guardians to ensure the religious and moral education of their children in conformity with their own convictions (para. 4).

116. The Final Act of the Helsinki Conference on Security and Co-operation in Europe also guarantees the freedom of thought, conscience, religion or belief for all without distinction (basket I, principle VII, para. 1).

117. In domestic legislation, article 30 of the Romanian Constitution guarantees freedom of conscience and freedom to engage in religious worship. In accordance with this article, religious sects organize their activities and operate freely. Their method of organization and operation is regulated by

law. Article 30 of the Constitution also states: "The school is separate from the Church. No religious denomination, congregation or community may open or maintain educational institutions other than schools specially intended for the training of ministers of religion."

118. Decree No. 117/1948 relating to the general régime for religious sects also guarantees freedom of conscience and freedom of religion. This Decree, however, sets certain limits on this freedom: "Anyone may belong to any religion or embrace any religious faith if the exercise thereof is not contrary to the Constitution, public order and safety, or decency" (art. 1). In conformity with articles 3 and 4 of the Decree, no one may be prosecuted for his religious belief or non-belief or be compelled to take part in the religious services of any sect.

119. Article 13 of the Decree provides that: "To be able to organize religious sects shall be recognized by decree of the Council of State, issued on the proposal of the Council of Ministers following a recommendation by the Department of Worship". Similarly, under article 23 of the Decree, "The activities of recognized religious sects shall be pursued in accordance with their religious doctrine, their approved articles of organization, the laws of the country and decency".

120. In conformity with article 15 of Decree No. 117/1948 the Army of the Lord evangelical movement was disbanded. A decree of 1 December 1948 ended the legal existence of the Greek (Uniate) Catholic Church by absorbing it into the Romanian Orthodox Church.

121. Article 318 of the Penal Code renders punishable by imprisonment for one to six months or a fine obstruction or disturbance of the freedom of worship of a religious sect organized and functioning in conformity with the law, and the act of compelling a person by force to take part in the religious services of any sect or to perform a religious act connected with the worship of a particular sect.

2. Alleged violations

122. A summary of allegations concerning violations of the right to freedom of thought, conscience, religion or belief is given below.

123. According to the information received, the control exercised by the Department of Worship over religious affairs (particularly in the matter of legal status, which has been granted to only 14 Churches; theology faculties and clerical appointments subject to quota; use and distribution of religious material; remuneration of clergy; issue of permits for the construction or renovation of religious buildings; pressure exerted in the appointment of senior clergy), as well as the general restrictions on the right of assembly, have curtailed the exercise of religious freedom.

124. Consequently, private religious assemblies held without the authorization of the Department of Worship are considered illegal and persons participating in them are liable to arrest, fines and expulsion from their homes. Other restrictions reported include: shortage of religious literature, and especially problems with regard to the importation and distribution of Bibles; reduction in quotas of students admitted to theology faculties or of officially-authorized priests and ministers, and hence emergence of unauthorized unofficial clergy; obstacles in the way of construction of new churches and restoration of old ones; demolition of religious buildings, often under the systematization policy and denial of the right to establish or maintain charitable or humanitarian institutions.

125. Some members of Churches have been subjected to various forms of harassment and discrimination, such as intimidation, loss of employment or social benefits, non-admittance to higher education or to certain professions such as teaching, prohibition of foreign travel, wage cuts, confiscation of religious books, police surveillance, arrest or restricted residence, detention, imprisonment and ill-treatment, which was fatal in at least one case.

126. The restriction and harassment measures reported above affected the 14 Churches and sects accorded legal status as well as the non-recognized sects. Thus, some members of the Orthodox Church have been persecuted. In the Roman Catholic Church, in which many members are ethnic Hungarians, the number of approved seminarists has been severely restricted, the religious literature available is insufficient for the needs of worship and several priests have been persecuted by the authorities. The restrictions imposed on the Roman Catholic Church have included the dissolution of monastic orders, the virtual non-existence of a religious press, and severe restrictions on relations with sister Churches in Hungary and elsewhere in the world. The reformed Calvinist Church, most of whose members are ethnic Hungarians, has experienced a sharp reduction in the number of students admitted to the Cluj-Napoca seminary and a shortage of ministers (over 100 parishes in Transylvania were without a minister during 1988). The Unitarian and Lutheran Churches have also experienced a shortage of ministers. Clergy in the Reformed Church and the Baptist Church have been subjected to harassment. Members too have been threatened and harassed (in a recent case, a member is reported to have died in suspicious circumstances), in an attempt to bring pressure to bear on religious leaders. The non-recognized Churches whose members have been persecuted include the Greek (Uniate) Catholic Church, the Army of the Lord, the Jehovah's Witnesses and the Nazarene Church.

(Cases 2, 22, 24, 30, 34, 53, 87, 96, 98, 119, 127, 133)

E. Freedom of opinion and expression

1. Legal framework

127. Article 19 of the International Covenant on Civil and Political Rights provides for the right to hold opinions without interference and the right to freedom of expression.

123. Article 28 of the Romanian Constitution guarantees freedom of speech and freedom of the press. However, certain restrictions on these freedoms are laid down in article 29 of the Constitution under which they may not be exercised, for purposes hostile to the socialist régime or to the interests of workers. Article 29 also prohibits Fascist or anti-democratic propaganda.

129. The Press Act (No. 3/1974), repromulgated in 1978, provides that freedom of the press is a fundamental right. Under article 69 of this Act, freedom of the press may not be exercised for purposes hostile to the socialist régime, the legal system established by the Constitution or other legislation, the rights or legitimate interests of natural or legal persons, or socialist morality.

130. Among these limitations is the prohibition of the publication and dissemination of material which is contrary to the Constitution, communicates secret information, data or documents, incorporates false or alarmist information or comments threatening or jeopardizing law and order or representing a danger to State security, incites to non-observance of the laws or the perpetration of acts constituting offences, propagates Fascist, obscurantist or anti-humanitarian views, or constitutes chauvinistic propaganda inciting to racial or national hatred or violence or detrimental to national pride. Also prohibited is the publication of material which infringes morality, constitutes incitement to violation of ethical standards and standards of social behaviour, furnishes information on legal proceedings currently under way, anticipates decisions which are required to be taken by judicial organs or contains inaccurate data or information liable to jeopardize a person's legitimate interests, dignity, honour, reputation or social or professional prestige, or material by means of which a person is insulted, slandered or threatened.

131. Responsibility for ensuring compliance with the provisions of article 69 by each press organ is incumbent on the competent board of directors, editorial board or chief editor (art. 70).

132. The Penal Code (arts. 205, 206, 236, 237 and 356) establishes penalties for insults, slander, defamation and offensive behaviour, and for propaganda for war and the dissemination of tendentious or fabricated information that might serve as incitement to war. Article 317 of the Code makes nationalistic or chauvinistic propaganda or incitement to racial or national hatred punishable by imprisonment for six months to five years.

133. Article 166 of the Code establishes penalties for propaganda against the socialist State punishable. Under this article, any propaganda of a Fascist character disseminated in public or any propaganda or action which seeks to change the socialist order or to jeopardize the security of the State is punishable by imprisonment for 5-15 years and loss of certain rights.

134. Contacts with foreigners are subject to Decree No. 408, whose text has not been published and relates to State secrets. Under this Decree, anyone who has contacts with a foreigner may be prosecuted and punished, and all contacts with foreigners must be reported to the police within 24 hours.

2. Alleged violations

135. A summary of allegations concerning violations of the right to freedom of expression and opinion is given below.

136. According to the information received, the broad interpretation given to certain constitutional or legislative provisions, such as article 29 of the Constitution and article 69 of the Press Act, has resulted in severe curtailment of the right to freedom of opinion and expression. Freedom of expression is also restricted by the broad enforcement of certain provisions of article 166 (2) of the Penal Code concerning propaganda against the socialist State (see paras. 128, 129 and 133 above).

137. In practice, freedom of opinion and expression is severely curtailed. The ownership and use of typewriters or photocopying machines are strictly regulated and are verified annually. Under Decree No. 408, contacts between Romanians and foreign visitors are closely monitored and contacts with foreign journalists constitute a punishable offence if prior authorization has not been obtained. Western newspapers cannot be purchased, and authorization must be obtained for the importation and distribution of books and periodicals. The works or articles of certain authors who have criticized the régime have been banned or withdrawn from sale. Theatre repertoires are subject to strict surveillance and all plays must be approved by several bodies, including the Culture and Education Board. Some works which had received such approval have nevertheless been banned shortly before the first performance.

138. Numerous writers, journalists, poets, literary or theatre critics, and, generally speaking, anyone who has written, expressed or disseminated critical views of Government policy in a non-violent way have been subjected to various repressive measures. These include (see also sects. A and B above) police surveillance and summonses, raids and searches of homes, pressure on relatives, house arrest, expulsion from the Party, isolation through disconnection of telephone lines, monitoring of mail, bans on publication and other impediments on work, exile or incitement to emigrate, physical ill-treatment, arrests or indictments (often under provisions penalizing propaganda against the socialist State, "parasitism", economic crimes or contacts with foreigners), imprisonment or committal to psychiatric institutions.

(Cases 1, 3, 5, 11, 14, 16, 18, 22, 25, 31, 35, 36, 40, 44, 45, 46, 47, 52, 57, 59, 62, 68, 76, 77, 82, 83, 84, 85, 88, 89, 91, 92, 93, 95, 98, 99, 100, 106, 110, 114, 115, 117, 119, 122, 123, 125, 129, 130)

F. Right of assembly and association; participation in the conduct of public affairs

1. Legal framework

139. Articles 21 and 22 of the International Covenant on Civil and Political Rights provide for the right of peaceful assembly and the right to freedom of association with others. In addition, article 25, subparagraph (a), of the Covenant provides for the right of every citizen to take part in the conduct of public affairs, directly or through freely-chosen representatives.

140. Article 28 of the Romanian Constitution establishes freedom of assembly and freedom to demonstrate. Under article 29 of the Constitution, however, this freedom may not be exercised for purposes hostile to the socialist system or the interests of the workers. This article also states that any association of a Fascist or anti-democratic character is prohibited and that participation in such associations and propaganda of a Fascist or anti-democratic character shall be punishable by law.

141. Article 27 of the Constitution provides for freedom of association. The public and mass organizations, supported by the State, ensure the broad participation of the masses in Romania's political, economic, social and cultural activity and in the exercise of public control.

142. In accordance with article 26 of the Constitution, the Romanian Communist Party directs the activities of public and mass organizations and those of State agencies. Article 25 of the Constitution and the provisions of the Electoral Act (Act No. 67/1974, repromulgated in 1979 and 1987) guarantee the participation of citizens in the election of the organs representing State authority.

143. As already indicated (see sect. E above), under article 166, paragraph 2, of the Penal Code concerning propaganda against the socialist State, any action aimed at changing the socialist order or liable to endanger State security is punishable by imprisonment for 5 to 15 years. Similarly, article 167, paragraph 3 of the Code establishes the death penalty or 15-20 years' imprisonment for the association of a number of persons for the purpose of engaging in Fascist or anti-democratic activity, for any activity calling for a change in the structure of the socialist régime, or for membership of, or any form of assistance to, such an association.

144. In accordance with certain provisions of Decree No. 153/1970, the establishment of groups which, through their conduct, show that they have an anarchistic or parasitic view of life and which are opposed to the principle of socialist coexistence, or support for, or membership of, such groups is punishable by imprisonment for one to six months or by a fine.

2. Alleged violations

145. A summary of allegations concerning violations of the right of assembly and association and the right to take part in the conduct of public affairs is given below.

146. According to the information received, freedom of assembly and freedom to demonstrate, as guaranteed under article 28 of the Constitution, are in practice considerably restricted through the broad and arbitrary interpretation of the provisions of article 29, paragraph 1, of the Constitution, which stipulates that these freedoms may not be exercised for purposes hostile to the socialist system or the interests of the workers. The same is true of the exception restricting the scope of article 27 of the Constitution (guaranteeing freedom of association), which prohibits any association aimed at promoting Fascist or anti-democratic activity (Penal Code art. 167, para. 3). The rather vague wording of article 166, paragraph 2, of the Penal Code (prohibiting propaganda against the socialist State) has also, through broad and arbitrary interpretation, been used to punish persons who have attempted to exercise their rights of assembly and association in a peaceful manner. Lastly, the charge of "parasitism", which is a criminal offence, has in certain cases been brought against persons who had involuntarily lost their jobs for political reasons.

147. Persons subjected to such restrictions include: organization leaders who claimed that they belonged to a disbanded party; persons who tried to form a new party, to organize groups of students and young workers critical of Government policy, or to encourage citizens to join opposition organizations; authors and distributors of open letters, pamphlets, tracts and other writings or interviews criticising the régime, the President or Government policy or advocating different political approaches; and human rights activists, especially those who called for stricter observance of the legal obligations deriving from ratification of the International Covenant on Civil and Political Rights and the signing of the Final Act of the Helsinki Conference on Security and Co-operation in Europe. Repression against these persons has taken various forms, including harassment, police surveillance, intimidation, ill-treatment, restricted residence, questioning, detention and prison sentences.

(Cases Nos. 3, 10, 16, 25, 31, 35, 41, 44, 45, 52, 77, 83, 85, 89, 103, 106, 110, 112, 122).

G. Right to work; trade union rights

1. Legal framework

148. The right to work and the right to just and favourable conditions of work, which ensure inter alia fair wages, a decent living, safe and healthy working conditions, equal opportunity for everyone to be promoted, rest, leisure, reasonable limitation of working hours, periodic holidays with pay and remuneration for public holidays, are guaranteed by articles 6 and 7 of the International Covenant on Economic, Social and Cultural Rights.

149. Article 8, paragraph 3 (a) of the International Covenant on Civil and Political Rights provides that no one shall be required to perform forced or compulsory labour. Subparagraph (c) further stipulates that forced or compulsory labour shall not include work or service which forms part of normal civil obligations.

150. Article 8 of the International Covenant on Economic, Social and Cultural Rights and article 22 of the International Covenant on Civil and Political Rights provide for the right to form and join trade unions, the right of trade unions to function freely and the right to strike.

151. The rights concerning working conditions and trade union freedom are also provided for in various ILO conventions to which Romania has acceded, for example, Convention No. 29 concerning Forced or Compulsory Labour of 1930, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize of 1948, and Convention No. 111 concerning Discrimination in respect of Employment and Occupation of 1958.

152. Under Romanian law, all citizens are guaranteed the right to work. Under article 18 of the Constitution, every citizen is given the opportunity to carry out, in accordance with his qualifications, an activity remunerated on the basis of quantity and quality. The right to rest is guaranteed under article 19 of the Constitution, which provides for the establishment of a maximum working day of eight hours, weekly rest and paid annual leave, and a working day of less than eight hours for arduous work.

153. The right to work without any restriction or discrimination and the right to equitable working conditions are also provided for by the relevant provisions of the Labour Code.

154. Pursuant to Act No. 24 of 5 November 1976 concerning the recruitment and employment of personnel and Act No. 25 of the same date concerning assignment of persons fit for work, to useful employment, all able-bodied persons aged 16 or above who are not being trained and are unemployed are required to register with the Labour and Social Security Department or its regional office so that they may be assigned work. In accordance with article 7 of Act No. 25, employment must be provided for such persons and when assigned to a job, they must report immediately to the designated enterprise. Inducements for persons who systematically refuse a job without a valid reason are set out in article 8 of the Act. If a person remains impervious to all persuasion, refuses to take a job or a training course, and continues to live the life of a parasite, he will, under article 9 of Act No. 25, be obliged to work in a particular enterprise by order of the court or, if he is still a minor, he will be placed in a work and rehabilitation centre. The court order is final and mandatory under article 10, paragraph 4; and article 11 of the Act provides that the police authorities shall enforce it. Under article 12, paragraph 2, no person assigned a job following a court placement order may change his place of work until one year has elapsed.

155. In accordance with the provisions of Act No. 1 of 3 April 1986, concerning payment by comprehensive agreement reached through direct negotiation with the workers, the main form of remuneration is remuneration based on the total output of the enterprise as a whole. If a production target is exceeded, wages are increased proportionately without limit. If the target is not fulfilled or workers have not discharged their obligations, remuneration is reduced proportionately and no minimum wage is guaranteed (art. 3).

156. Trade union rights are guaranteed by the Romanian Constitution and reflected in various laws, including the Labour Code and Act No. 52/1945 concerning trade associations.

157. Article 27 of the Constitution provides for the right to associate in order to form trade union organizations. Their activities, like those of the other public and mass organizations, are directed by the Communist Party, in accordance with article 26 of the Constitution.

158. Pursuant to articles 113, 116, 119, 122 and 153 of the Labour Code, the General Federation of Trade Unions has the exclusive right to represent the workers vis-à-vis the highest organs of the State.

159. Under article 165 of the Code, trade unions mobilize the masses for the purpose of executing the programme of the Communist Party.

2. Alleged violations

160. A summary of allegations concerning violations of the right to work and trade union rights is given below.

161. According to the information received, the provisions of Act No. 1/1986 concerning payment by comprehensive agreement reached through direct negotiation with the workers, have led to the dismantling of a system of guaranteed fixed remuneration. The Act abolished the guaranteed minimum earnings for all wage-earners and established instead a system of remuneration based on the total output of the enterprise. Up to 40 per cent of workers' wages has been withheld because of unfulfilled norms, which can in practice be met very rarely on account of the numerous power cuts and shortages of raw materials and proper tools. Although the Constitution provides for an eight-hour working-day - which should be reduced for particularly arduous jobs, hours worked are often longer and are sometimes in excess of 12. Weekly rest is frequently not guaranteed, either because employees are forced to work on Sundays or because of compulsory participation, especially in the case of young people, in community work, such as harvesting, street maintenance and the demolition or construction of buildings. Working conditions are particularly harsh in winter because workshops are poorly heated.

162. Workers who lose their jobs, sometimes because they have applied to emigrate or tried to leave the country without permission, or for political reasons, have been charged with "parasitism" under Decree No. 153/1970 and sometimes sentenced to several months of correctional labour (see sect. B above). Correctional labour on reduced wages has also been imposed under article 166 of the Penal Code concerning anti-socialist propaganda. Legislation relating to the economic distribution of labour and execution of the rural systematization programme has resulted in forcible transfer to specific regions and arbitrary assignment to certain jobs for several years. Similarly, national servicemen have been subjected to forced labour, during their military service, often under very harsh conditions.

163. Certain categories of persons, such as members of minorities or persons critical of the Government, are discriminated against or subjected to restrictions in the areas of recruitment, occupational training, choice of profession or work, and possibilities of promotion (see sect. G above).

164. There have been various allegations that certain provisions of Romanian law are at variance with the international instruments concerning trade union freedom and protection of trade union rights to which Romania has acceded. The provisions in question are article 26 of the Constitution and articles 113 (2), 116, 119, 122, 153, 164 and 165 of the Labour Code, whose implementation has led to the imposition by legislative means of the principle of a single trade union and has prevented workers who wish to do so from exercising the right freely to form trade unions of their choice, outside the existing union structure and without intervention by the public authorities. Unions are compelled to base their statutes on those of the General Trade Union Federation and are forced to obey Party directives in drafting their programmes. In practice, attempts to form independent unions, particularly those in 1979, 1983, May 1988 and June 1988, have been thwarted and the workers who backed them have been dismissed, physically abused, repeatedly interrogated, demoted, arrested or detained. Several strikes and labour clashes originating from working conditions and pay (for example, in the Jiu valley coal-mines in 1977, in the seven metal ore mines in northern Transylvania in September 1983, at plants in Cluj and Turda in November 1986, in the Nicolina plant at Tasi in February 1987, at the Steagul Rosu and Tactorul plants in Brasov in November 1987) have, in the weeks or months following the end of the conflict led to dismissals, arrests, detentions, transfers, correctional labour and even disappearances.

(Cases 7, 14, 15, 16, 25, 36, 38, 39, 40, 44, 47, 52, 59, 79, 95, 112, 118, 122)

H. Right to an adequate standard of living

1. Legal framework

165. Article 11 of the International Covenant on Economic, Social and Cultural Rights recognizes the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to

the continuous improvement of living conditions. Article 12 of the Covenant recognizes the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. The two articles also advocate a number of steps to be taken by States parties to achieve the realization of these rights.

166. Romanian legislation contains a number of provisions concerning the right to food, adequate housing and health. With regard to food, the Grand National Assembly, in its decision No. 5 of 1 July 1983, approved the national programme for ensuring secure and stable agricultural production. In decision No. 5 of 2 July 1984, the Assembly approved the national scientific nutrition programme, determining what constitutes normal consumption for citizens, with a view to preventing disease caused by inadequate diet and thus ensuring optimum health for the population.

167. Concerning the right to adequate housing, Act No. 4/1973 relating to the development of housing construction, the sale of State housing stock to the population and the building of rest homes recognizes the right of citizens to build or buy housing which would be their personal property, regardless of their monthly income (art. 9), with the support of the State (art. 10).

168. With regard to physical and mental health, the State provides medical care through its health agencies under article 20 of the Constitution.

169. Under article 5 of Act No. 3/1978 relating to the protection of public health, all activities aimed at protecting health are carried out by the State health units, which provide all citizens with ready access to medical care.

170. Various orders and memoranda issued by the Ministry of Health have established measures for the prevention of disease and the improvement of the health of children and infants. Similarly, Act No. 3/1978 provides for measures for the maintenance of hygienic living and working conditions and a high degree of cleanliness in localities and housing. This Act also contains provisions relating to the prevention and control of transmissible diseases.

2. Alleged violations

171. A summary of allegations concerning violations of the right to an adequate standard of living is given below.

172. According to the information received, a number of foodstuffs are rationed in various ways depending on the region concerned. These include meat, butter, flour, cheese, sugar, eggs and cereals. Thus, according to ration cards issued in Brasov in 1988, the monthly food ration per person in that city consisted of 500 grams of sugar, half a litre of oil, 1 kilogram of flour, 1 kilogram of cornflour, 300 grams of meat, 120 grams of butter and 3 eggs. Other foodstuffs, theoretically on sale without restriction, are scarce; these include milk and baby food. The inhabitants of villages who have been transferred to urban-style apartments under the systematization

programme have fewer opportunities to cultivate plots of land for their personal use and have thus experienced a deterioration in their standard of living, as they have been deprived of an additional source of food.

173. Electricity is also reported to be rationed and private use to be limited to 35 kwh per month. Heating is reduced to a minimum, making living conditions in homes (especially for children) and conditions in work places, particularly difficult, especially in view of the harsh winters.

174. A number of homes are reported to have been demolished under the rural systematization programme. In other cases, localities affected by the programme have been deprived of public services essential to their survival, such as road maintenance, schools and public transport (see also sect. C above). This policy has forced many village-dwellers to leave their homes. Buildings constructed since 1986 to rehouse persons transferred under the systematization plan are still not adequately equipped. Thus, in the autumn of 1988 the inhabitants of the new buildings constructed at Ghermanesti had to wait several months before being connected with the water supply and drainage system.

175. Hospitals and dispensaries are poorly equipped and are often short of such things as medicines, basic sterilization products and disposable syringes. Perinatal and post-natal mortality are reported to be extremely high; births are not registered until a month after the actual birth, in order to prevent the high infant mortality rate from being reflected in the official statistics. As legal abortion is practically non-existent owing to the official policy of raising the birth rate (see sect. A above), clandestine abortions, often performed in primitive circumstances, frequently lead to infections which take the lives of young women. Doctors in enterprises are allowed to grant only a limited total number of days of sick leave each month to enterprise personnel. Most persons over 60 receive only ambulant medical care, and the number of hospital beds assigned to elderly persons is constantly diminishing. Ambulance staff are said to check the age of patients before responding to telephone calls.

(Cases 15, 118, 121)

I. Right to education; cultural rights

1. Legal framework

176. Article 13 of the International Covenant on Economic, Social and Cultural Rights recognizes the right of everyone to education. Such education should specifically promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups. Under article 15, paragraph 1, of the Covenant, everyone has the right to take part in cultural life.

177. Article 27 of the International Covenant on Civil and Political Rights provides for the right of persons belonging to minorities to enjoy their own culture in community with the other members of their group.

178. The Romanian Constitution ensures and guarantees the right to education and cultural development. Article 13 provides that State activity is aimed at "the continual improvement of the people's cultural ... well-being." Under article 21, the right to education is ensured, education being provided by the State. In addition, article 27 provides for the right of citizens to associate in order to form socio-cultural organizations.

179. The Romanian Constitution also guarantees the right of the co-inhabiting nationalities "to have books, newspapers, periodicals, theatres and education at all levels in their own language" (art. 22).

180. In accordance with the provisions of the Education and Teaching Act (No. 28/1978), the right to education is ensured for all without any restriction which might constitute discrimination (art. 2).

181. Article 4, paragraph 2, of Act No. 28/1978 provides for the unrestricted use of their mother tongue by the co-inhabiting nationalities and the opportunity of studying and learning that language thoroughly.

182. Other provisions of this Act concern the education of young members of the national minorities. Thus, under article 106, in the territorial administrative units also inhabited by a minority language population, units, sections, classes or groups are organized, tuition being given in the language of the respective nationalities. Likewise, in accordance with article 107, in order to enable young members of the national minorities to play a vigorous part in the whole political, economic, social and cultural activity of the country, they are taught the Romanian language in primary and secondary schools, where certain subjects may be taught in Romanian. Parents or young people belonging to the national minorities may, in general, opt for enrolment in an institution where tuition is given in the language of the respective minority or in Romanian; in the latter case, they can, on request, study the language of the nationality concerned (art. 108). For education in the languages of the co-inhabiting nationalities, the Ministry of Education and Teaching ensures that teaching staff are trained and fully qualified and that the necessary school-books and other materials are provided (art. 110).

183. Similarly, Act No. 6/1969 stipulates that only persons who know the language of instruction may teach in the schools of the co-inhabiting nationalities.

184. Cultural and artistic activity is co-ordinated by the Council for Culture and Socialist Education, whose organization and functioning are laid down in Decree No. 442/1977 issued by the Council of State. Under article 1 of this Decree, the Council for Culture and Socialist Education is responsible for the unitary direction and guidance of all cultural and educational activity in Romania; it organizes activities to stimulate creativity in the fields of literature and the arts.

2. Alleged violations

185. A summary of allegations concerning violations of the right to education and cultural rights is given below.

186. According to the information received, the constitutional provisions guaranteeing to the co-inhabiting nationalities the right to education in their own language at all levels are not observed in practice. Education in Hungarian has declined at all levels during the past 20 years or so. Except at the originally Hungarian Bolyai University of Cluj-Napoca, which in 1961 merged with the Romanian Babes University (and where the number of Hungarian-language students is restricted by quota), the Tîrgu Mures school of dramatic art and the Tîrgu Mures Institute of Medicine and Pharmacy, higher education in Hungarian has been discontinued since March 1985 by a decree of the Central Committee of the Party. Primary and secondary education in Hungarian is reported to be in sharp decline. In regions with an ethnic Hungarian majority, the number of secondary-education classes in Romanian is three or four times higher than classes in Hungarian. Curricula, and, in particular, the teaching of history are designed to instil guilt in children of Hungarian origin and are liable to give rise to conflict in the future. Several teachers who were critical of the régime have been subjected to various types of harassment (see also sect. J below).

187. In the cultural field, the national heritage is threatened by various measures. Thus, the office responsible for the preservation of historic monuments was abolished by presidential decree in 1977. Since the implementation of the systematization plan, a number of historic buildings have been destroyed, particularly in Bucharest, where since work began, in 1984, on the construction of Victory of Socialism Avenue, more than 30 historic Orthodox churches and monasteries have been destroyed. The buildings reported to have been demolished in the area affected by construction of the avenue include 13 churches, notably: Sfanta Vinera Hereasca (built in 1645), Sfantul Spiridon Vechi (built in 1680), Sfantu Nicolae Serbi (built in 1640), Olteni (built in the seventeenth century), Izvorul Tamadvirii (built in 1794), Alba Postavari (rebuilt in 1857), Spirea Nova (built in 1799), Spirea Veche (rebuilt in 1815). Other buildings of a monumental nature have been destroyed, such as the palaces of Curtea Arsa and Curtea Nota (late seventeenth century), the Calinescu Institute (nineteenth century) and Belléo House (nineteenth century).

188. Artistic and cultural freedom is subject to many restrictions. Authors whose works have been critical of the Government are not allowed to publish. The importation of foreign publications, such as books, periodicals and films, is restricted and access to such publications is dependent on the authorities. Plays are also subject to close supervision (see also sect. E above). Likewise, opportunities for cultural creation by the co-inhabiting nationalities, especially the Hungarians and Germans, have been considerably

reduced (see sect. J below). And in recent years, the opportunities for Romanian citizens to learn and teach Esperanto or to take part in cultural activities relating to that language have been seriously restricted.

(Cases 11, 31, 36, 50, 61, 62, 79, 82, 88, 98)

J. Rights of persons belonging to minorities

1. Legal framework

189. Article 27 of the International Covenant on Civil and Political Rights stipulates:

> "In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language."

190. The Final Act of the Helsinki Conference on Security and Co-operation in Europe (first basket, principle VII, para. 1) and the Concluding Document of the Vienna Meeting (principle 18) also provide for the protection of the rights and freedoms of members of national minorities.

191. Article 2 of the Romanian Constitution states that the various categories of workers, "without distinction as to nationality", are building the socialist régime.

192. Article 17 of the Constitution stipulates:

> "Citizens of the Socialist Republic of Romania, without distinction as to nationality, race, sex or religion, shall have equal rights in all fields of economic, political, legal, social and cultural activity.
>
> "The State shall guarantee the equal rights of citizens. No restriction of these rights and no discrimination in the exercise thereof on grounds of nationality, race, sex or religion shall be permitted.
>
> "Any manifestation aimed at establishing such restrictions, nationalist-chauvinist propaganda and incitement to racial or national hatred shall be punishable by law."

193. Article 22 of the Constitution ensures the right of the co-inhabiting nationalities to use their mother tongue freely and also to have books, newspapers, periodicals, theatres and education at all levels in their own language. In administrative and territorial units inhabited also by a population of other than Romanian ethnic origin, all organs and institutions shall also use the written and spoken language of the nationality concerned and shall appoint officials of that nationality or other citizens who know the language and way of life of the local population.

194. Article 109 of the Constitution guarantees the use of the mother tongue during legal proceedings in administrative and territorial units inhabited also by a population of other than Romanian ethnic origin. These provisions of the Constitution are developed by various laws.

195. Article 8, paragraph 2, of Act No. 57/1968 concerning the organization and functioning of the people's councils provides that, in administrative units inhabited also by a population of other than Romanian ethnic origin, "the local agencies shall also use the written and spoken language of the nationality concerned and shall appoint officials of that nationality or other citizens who know the language and way of life of the local population".

196. Article 46, paragraph 5, article 49, paragraph 2, and article 63 of this Act provide that, in such administrative and territorial units, the mother tongue of the non-Romanian population shall be used in discussions; the decisions of the people's council having the force of regulations, and decisions of the committees or executive bureaux shall also be brought to the attention of the citizens in the language of the minority in question.

197. Decree No. 468/1971 relating to measures to improve the implementation and dissemination of legislation provides that particular attention shall be paid to the dissemination of legislation in the languages of the co-inhabiting nationalities, in the districts where such nationalities live alongside Romanians.

198. As to the guarantee that the co-inhabiting nationalities will be able to use their mother tongues and have access to case files in criminal and civil proceedings in administrative and territorial units inhabited also by a population of other than Romanian ethnic origin, the provisions of article 109 of the Constitution have been developed by Act No. 58/1968 relating to the organization of the Judiciary (art. 8, paras. 2 and 3), the Code of Criminal Procedure (arts. 7, 8 and 128) and the Code of Civil Procedure (art. 142).

199. Romanian legislation also provides for measures to ensure that tuition is given in the minority languages (specifically through the relevant provisions of the Education and Teaching Act (No. 28/1978); in this connection, see section I above.

200. With regard to the right to information, article 4 of the Press Act (No. 3/1974 - repromulgated in 1978) provides as follows:

> "In conformity with the policy of the Party and the State which guarantees true equality among all Romanian citizens, workers belonging to the co-inhabiting nationalities shall also have the opportunity to obtain information and express their opinions in the press in their mother tongue."

2. Alleged violations

01. A summary of allegations concerning violations of the rights of persons elonging to minorities is given below.

02. According to the information received, the policy of forced assimilation hich is being implemented with regard to the various ethnic minorities despite he existing constitutional guarantees (Constitution, arts. 2, 17 and 22) and egislative guarantees, affecting mainly the ethnic Hungarian population but lso the other minorities, has resulted in serious and repeated violations of he human rights of members of these minorities. The status of the minorities as deteriorated, especially in recent years, which have been marked by an ntensive Romanization campaign.

03. With regard to the right of members of minorities to use their own anguage, the official use of Hungarian and German has been gradually liminated from civil administration, the courts, enterprises and hospitals, espite the constitutional provisions on the subject. Most bilingual road igns have disappeared, even in districts in which ethnic Hungarians made up 5 per cent of the population. Education in Hungarian has declined at all evels (see also sect. I above); since April 1988, the names of all localities ave had to be written or mentioned in their Romanian form, even in Hungarian German-language publications. Since January 1988, parents have no longer een officially allowed to choose for their children first names which have Romanian equivalent.

04. In the educational field, the number of ethnic Hungarian school rincipals, and the number of classes and schools in which Hungarian is the anguage of instruction, have been gradually reduced in favour of Romanian ee also sect. I above). Even in the few remaining Hungarian classes, eneral subjects such as history, geography or civics are taught in Romanian. oung members of the Hungarian minority who have failed college entrance aminations or do not wish to continue their education after tenth grade e transferred, for a five-year period, to an officially assigned work place ually far from their homes, such as Bucharest, the Danube delta or the mines. e entrance examination for the specialized schools and universities is set Romanian only, which discourages many young members of minorities from ntinuing their primary and secondary education in their mother tongues. ere is said to be a great shortage of Hungarian-language teachers in ansylvania, owing to arbitrary postings; thus, in 1988, the Ministry of ucation appointed 12 of the 17 graduates from the Department of Hungarian nguage and Literature of Cluj University, to posts outside Transylvania in gions with an ethnic-Romanian majority. Of the five other persons, only one s been authorized to teach Hungarian.

5. It is claimed that the cultural autonomy, and opportunities for cultural d artistic creation, of the Hungarian minority have been curbed by various asures such as the harassment, persecution or forced exile of members of its tellectual and artistic élite, a ban (since 1987) on imports of Hungarian blications, the abolition of Hungarian-language broadcasts on Bucharest

television (except for a 15-minute weekly programme) and of local Hungarian radio stations, the concentration of all Hungarian-language book publishing in a single publishing house, Kriterion, and a reduction in the number and frequency of publication of Hungarian-language newspapers and magazines. Likewise, the theatres at which Hungarian-language plays are performed have been gradually merged with Romanian theatres. This was specifically the case with the Sfintu-Gheorghe Theatre in 1980. The Cluj-Napoca Theatre is now the only surviving theatre which is purely Hungarian. The authorities are also said to have confiscated various manifestations of the cultural identity of the Hungarian minority, such as archives, old libraries, manuscripts in monasteries, and registers of births, marriages and deaths.

206. The religious faiths whose members are in their majority of Hungarian or German origin, that is to say, the Protestant Churches and the Roman Catholic Church, are being subjected to a number of restrictions and their members are suffering discrimination (see also sect. D above).

207. Members of the ethnic Hungarian minority are being subjected to numerous discriminatory measures; such discrimination is officially encouraged by the incitement of anti-Hungarian sentiments, particularly in the media and in school-books. Students and young graduates of Hungarian origin are special targets of the population dispersal policy (see also sect. C above). Intellectuals, artists, human rights activists, workers and holders of senior religious posts who belong to the Hungarian minority or have criticized governmental policy in this area are also subjected to discrimination in the areas of recruitment, vocational training, conditions of employment and opportunities for promotion (see also sect. G above). The many ethnic Hungarians who apply to emigrate are subjected to pressure and reprisals (see sect. C above).

208. Members of the German minority who apply to emigrate are also subjected to reprisals. Those who are authorized to emigrate are compelled to pay to the authorities large sums of up to 10,000 Deutsche Marks, despite the abolition of the 1982 decree which required would-be emigrants to repay the cost of their education to the Government before departure. The mass emigration of members of the German minority has reportedly led to a decline in Germanic culture in education, cultural events and publications.

209. The gypsy community is said to be subject to harassment, searches and confiscation of property. Cases of detention without trial or specific charges have been reported.

210. The members of the Csango Catholic community, who for 100 years or so have been subjected to harsh forcible assimilation measures, have still not been granted official recognition as an ethnic minority.

(Cases 4, 10, 50, 61, 62, 79, 88, 117, 119, 123, 127, 132)

V. CONCLUSIONS AND RECOMMENDATIONS

211. The Special Rapporteur has endeavoured to carry out his mandate as fully and objectively as possible. To this end, he has tried to secure the co-operation of the Romanian authorities and to conduct investigations in Romania itself. To his great regret, he met with a refusal; the Romanian Government deems null and void Commission on Human Rights resolution 1989/75, in which the Commission decided to appoint a special rapporteur to examine the human rights situation in Romania. None the less, the Special Rapporteur has studied the Romanian constitutional, legislative and regulatory provisions as fully as possible, to the extent that they relate to his mandate. In addition, he has made every effort to take the position of the Romanian authorities into account on the basis of the reports which they have sent to various United Nations bodies or specialized agencies.

212. In order to compile the information necessary for the fulfilment of his mandate, he interviewed a large number of persons who had come to Geneva to provide him with information. In addition, he went to Hungary, specifically in the vicinity of the Romanian-Hungarian frontier. There he was able to interview some 60 recent emigrants from Romania who belonged to various ethnic groups and came from all sectors of Romanian society.

213. Lastly, he consulted a very large number of documents relating to the human rights situation in Romania.

214. The information thus gathered does not, of course, enable the Special Rapporteur to draw absolutely certain conclusions, such as might derive from a thorough inquiry in Romania itself. Nevertheless, this information is sufficiently precise and consistent for reasonably reliable observations to be made. In this regard, the Special Rapporteur emphasizes that he has not taken account of isolated allegations; each of the points noted is based on several sources of mutually corroborative information. As to the numerous cases listed in annex 1, they are essentially intended to illustrate observations based on more general information. Lastly, the Special Rapporteur has taken into consideration only relatively recent information and has not in principle, dealt with the period before 1980, even though many violations prior to that date were brought to his attention.

215. In these circumstances, the Special Rapporteur finds that the Commission on Human Rights has justifiably concerned itself with the situation in Romania. This country is indeed a party to most of the international conventions formulated within the United Nations system which universally protect human rights; it submits the reports called for under these instruments and takes part in discussions on them. It is also a party to the Final Act of the Helsinki Conference on Security and Co-operation in Europe, and to the Concluding Document of the Vienna Meeting relating to the Follow-up to the Helsinki Agreements. It should nevertheless be noted that, in practice, these international instruments are frequently ignored or are only partially implemented in Romania. In these conclusions, the Special Rapporteur will not

recapitulate everything stated in the earlier parts of this report. He will simply point out what, in his view, constitute the major violations of the various instruments which protect human rights and by which Romania is bound.

216. With regard to the right to life, the Special Rapporteur was informed of various cases of deaths or disappearances, either following ill-treatment during interrogations or detention periods, or in the course of attempts to leave the country without authorization. He was unable to elucidate these cases.

217. As to the right to physical and moral integrity, the reports received are numerous and consistent enough to prompt the conclusion that this right is frequently violated: brutal treatment of persons arrested during attempts to cross the frontier illegally; intimidation, psychological humiliation and maltreatment, including torture, of detainees in order to obtain confessions; poor conditions of detention.

218. Respect for privacy is frequently violated through arbitrary interference, such as searches and seizures, wire-tapping, confiscation or monitoring of correspondence, restriction of personal or telephone contacts, and gynaecological examinations to prevent interruptions of pregnancy.

219. With regard to the administration of justice, the Romanian Constitution and laws provide guarantees which are in conformity with international standards. But these guarantees are restricted by decrees, ministerial orders and directives, some of which are not published. Thus, searches and arrests are often carried out without a judicial warrant, detainees are sometimes held incommunicado for several months, and prisoners are frequently deprived of their right to know the charges against them, to communicate with their relatives and to be assisted by a lawyer of their choosing. Furthermore, trials are often held in camera, and restricted residence is imposed, even though this measure is not provided for under Romanian law.

220. Freedom of movement is subject to many restrictions. For instance, young people who have completed their education are required to accept the job assigned to them for several years, often far from their families. The right to leave the country is restricted and is frequently applied in an arbitrary fashion; would-be emigrants are often subjected to harassment, sometimes lose their jobs, or are demoted or even imprisoned; persons who attempt to cross the frontier illegally risk prosecution, and it is not unusual for the families of those who have emigrated without authorization to suffer reprisals. It is interesting to note that, despite these dangers, more than 20,000 persons emigrated clandestinely between mid-1987 and October 1989. Lastly, many families are split because their members who have stayed in Romania are not allowed to leave the country.

221. Freedom of thought, conscience, religion and belief is restricted. Fourteen Churches are recognized; others, such as the Romanian Greek (Uniate) Catholic Church are illegal. The recognized Churches are subject to supervision by the Department of Worship. Faculties of theology can accept

students only according to very limited quotas, and even these are being reduced. Religious literature is insufficient; the importation of Bibles, in particular, is subject to severe restrictions. Church members are not allowed to take up certain professions, such as teaching. Some of them have even been subjected to harassment or other penalties.

222. The broad and sometimes arbitrary interpretation of certain constitutional and legislative provisions leads to serious restrictions on freedom of opinion and expression. Criticism of governmental policy is not permitted. Many persons have for this reason been subjected to various repressive measures, such as police surveillance and summonses, searches, restricted residence, a ban on receiving visitors, disconnection of telephone service, monitoring of correspondence, and even ill-treatment, loss of employment and imprisonment. In addition, writers, journalists and poets have been deprived of the right to publish their works. Contacts with foreign visitors are strictly monitored, as is the possession of typewriters and photocopying machines. Persons who lose their jobs for political reasons are sometimes later prosecuted and convicted of "parasitism".

223. Freedom of assembly and association is similarly restricted. The general and vague wording of certain constitutional and legislative provisions has made it possible to prohibit any exercise of this freedom which is not in line with governmental policy. In particular, various penalties, including imprisonment, may be imposed on persons who attempt to exercise their right to take part in public affairs by joining a disbanded party, attempting to form a new party or organizing groups of students and young workers who are critical of governmental policy.

224. The right to work is subject to many infringements. The linking of remuneration to the total output of an enterprise often entails major wage cuts for workers in enterprises which are unable to achieve norms owing to shortages of electricity, raw materials or adequate tools. Working extra hours is common. It should also be noted that workers are assigned to jobs in areas far from their homes and, for various reasons, some are subject to discrimination in the choice of occupation or job and in opportunities for promotion. Trade union rights are also severely restricted. In particular, workers cannot form trade union organizations of their choice and strikes have been harshly suppressed.

225. The right to an adequate standard of living is relative and depends, of course, on the country's economic situation. It must be admitted, however, that it is not sufficiently guaranteed in Romania. A large segment of the population has great difficulty in obtaining adequate food, especially for young children. In winter, inadequate heating makes life difficult in homes and work places. The rural systematization policy and the abandonment or demolition of individual houses which it entails seem to have aggravated housing conditions, despite the efforts of the authorities to build new homes. Lastly, medical care is often inadequate. Post-natal mortality is high, and elderly persons generally receive only limited medical care.

226. Cultural rights are under attack in various ways. The cultural heritage is threatened by demolitions in the cities, which have already resulted in the disappearance of many monuments of artistic or historic interest. Similarly, the rural systemization plan is endangering the rich Romanian popular culture, which has been preserved and developed in the villages in particular. Literary and artistic freedom can be exercised only within narrow limits. As stated earlier, authors who criticize the Government's policy are frequently barred from publication or penalized in other ways. The theatres are subject to control by the authorities and very few foreign publications are imported.

227. The rights of members of minorities are particularly hard hit. In this regard, the Special Rapporteur would point out that, in order to ensure the survival and development of minorities, it is not sufficient to make them subject to the same rules as those applicable to the population as a whole. They must be given special treatment, appropriate to their identity and needs. Nothing of the sort can be seen in Romania. In the first place, it is obvious that minorities, more than the majority, suffer most of the human rights violations referred to above. Thus, the posting of young people to work places far from their families in the long run results in a dispersal of the ethnic minorities and a mixing of populations which places their survival in jeopardy. Likewise, being cut off from home affects them more than the majority, because they need contacts with the outside populations with whom they share language and culture.

228. In addition, there is a definite trend towards the Romanization of ethnic minorities. Thus, the use of Hungarian and German is disappearing from the civil administration, the courts and enterprises, and from the names of towns and villages and road signs.

229. This trend is also apparent in education. With a few exceptions, higher education courses are now in Romanian only. In primary, secondary and vocational education, the number of schools and classes in which Hungarian is the language of instruction has declined markedly in favour of Romanian. Restrictions on access to higher education and arbitrary postings, have even led to a shortage of teachers of Hungarian in Transylvania. Moreover, it is not uncommon for ethnic Hungarian or German parents to opt for their children to be educated in Romanian from the beginning, in the expectation that they will thus have better prospects.

230. At the cultural level, there has been a decrease in creativity and activities in the minority languages. This phenomenon is particularly apparent in the theatre, and on television and radio. While publications in Hungarian are still relatively numerous, they are concentrated in a single publishing house, and the importation of publications from Hungary has been stopped.

231. The situation of the churches in which a majority of members are ethnic Hungarians or Germans is particularly precarious. The number of theology students, for example, is specially limited and available religious literature is inadequate. Moreover, severe restrictions limit relations with sister

Churches in Hungary and other countries. And it seems that, in some Churches, senior members who have been placed in office with official backing themselves help to persecute members of the clergy and congregations who express views critical of governmental policy.

232. In general, the minorities complain of living in a hostile climate, which is aggravated by the media and school-books.

233. These are the main points which the Special Rapporteur wishes to highlight. However, it is apparent from a review of the documents forwarded by the Romanian authorities that they deny that human rights are violated in their country or maintain that they limit such violations to isolated cases.

234. The Special Rapporteur wishes to state that he fully appreciates what has been achieved in Romania during the past fews years or decades: the repayment of the external debt, major industrialization, 10 years of compulsory education for all, a figure which is expected to be raised to 12 in 1990. However, he is of the view that these achievements do not justify the infringements of human rights to which he has drawn attention.

235. In conclusion, the Special Rapporteur proposes to the Commission on Human Rights that it should make the following recommendations to the Romanian authorities:

(a) They should bring all laws, decrees, regulations and directives into line with the international instruments for the protection of human rights to which Romania is a party, and should make them public if they have not already done so;

(b) They should ensure that these international instruments are strictly implemented in practice;

(c) In so doing, they should pay special attention to the situations noted in this report.

Annex I

SPECIFIC CASES

(In alphabetical order)

1. Gabriel ANDREESCU, geophysicist, born in 1952, is reported to be under police surveillance for having openly criticized the Government. He is said to have been arrested and questioned by Securitate on a number of occasions, in particular on 25 December 1987, and to have spent some weeks in prison. In August 1988, he was unable to attend the Krakow conference on human rights, to which he had been invited, since he had not succeeded in obtaining a passport. He was again summoned by the police and threatened on 15 November 1988. Between 30 May and 14 June 1989, he went on hunger strike in protest against the denial of human rights in Romania.

2. Jakab ANTAL, a Romanian Catholic bishop, is reported to have been forced, in February 1989, to cancel a mass he was to have celebrated in Cluj on 12 February in honour of the fiftieth anniversary of the consecration of his deceased predecessor, Bishop Aron Marton. Two priests who ignored the order to cancel the commemorative gatherings for Marton are said to have been relieved of their duties.

3. Georghe APOSTOL, born in 1913 (a former member of the Politburo and Chairman of the Trade Union), Alexandre BIRLADEANU (a former member of the Politburo and Chairman of the Planning Committee), Silviu BRUCAN, aged 72 (a former ambassador and former editor of Scinteia), Corneliu MANESCU (former Minister for Foreign Affairs and former President of the United Nations General Assembly), Constantin PIRVULESCU, aged 94 (a founding member of the Romanian Communist Party), and Ion RACEANU (a Communist Party veteran), signatories in March 1989 of an open letter criticizing Government policy, particularly with regard to human rights, and the implementation of the systemization plan, are said to have been forcibly removed from Bucharest and placed under strict surveillance. Silviu Brucan was arrested on two occasions for brief periods, and Alexandre Birladeanu on one occasion. It is reported that Corneliu Manescu, who is seriously ill, is not receiving adequate medical treatment. He has been transferred to Chitila. It is claimed that several members of the families of these six people have lost their jobs.

4. Attila ARA-KOVACS, an ethnic Hungarian intellectual, one of the persons responsible for the unofficial news bulletin Ellenpontok and one of the editors of a memorandum published in October 1982 in the eighth issue of Ellenpontok and addressed to participants in the Madrid Conference on the follow-up to the Helsinki Agreements, is reported to have been interrogated for 48 hours following publication of the memorandum. He was expelled to Hungary in May 1983.

5. Petre Mihai BACANU, 47 years old, a journalist on Romania Libera, Alexandre CHIVOIU, a linotypist in the Scinteia publishing house in Bucharest, Mihai CREANGA, 47, a theatre critic with the magazine Romania Pitoreasca, and

Anton UNCU, 41, a journalist on Romania Libera, are reported to have been arrested at the Scintera publishing house between 25 and 27 January 1989 and taken to the headquarters of the Securitate, where they were detained for having printed and circulated pamphlets criticizing President Ceausescu. They were subjected to physical and psychological pressure, without access to either lawyers or their families, and their families were interrogated by members of the Securitate. Their trial took place in May 1989, when Petre Mihai Bacanu was found guilty of economic crimes and sentenced to six years' imprisonment. Anton Uncu and Mihai Creange were sent into involuntary exile, in Piatra Neamt and Trgu Jiu respectively, where they are under house arrest.

6. Daniel BAIAS, born in 1969, and Cornel DUMA, born in 1971, are reported to have tried to leave the country illegally on 21 February 1989. They were brought back to Romania and arrested on 3 March 1989.

7. Crista BALZA, a teacher, was reportedly dismissed from her post without warning on 4 March 1989 for having refused to withdraw her application to emigrate to the Federal Republic of Germany. She was interrogated on a number of occasions by Securitate agents, as were her parents and many members of her family, in addition to friends and acquaintances.

8. Maria BEJAN, born in 1951, an engineer, is reported to have been attempting without success to obtain, on her own behalf and on behalf of her children Alexandre and Mihai-Vlad, aged 14 and 10 respectively, permission from the authorities to emigrate to the Federal Republic of Germany, where her husband, Alexandru Bejan, has been living since April 1985 (see also annex II below). She was reportedly dismissed from her post as an assistant at the Technical University of Bucharest in March 1987. On 6 November 1989, she went on hunger strike in front of the passport office in Bucharest and was immediately arrested.

9. Alexandre BIRLADEANU (see case of Georghe APOSTOL).

10. Katalin BIRO, an architect, Ernö BORBELY, a teacher, and Laszlo BUZAS, an economist, all of Hungarian ethnic background, are reported to have been arrested on 23 November 1982 following an attempt to set up an association for the defence of the human rights of the Hungarians in Romania. They were accused of criminal activities under article 166 of the Penal Code. The charge was subsequently amended by the prosecutor to one of plotting against the State (Penal Code, art. 167). The Bucharest military court to sentence them to seven years' imprisonment, five years of deprivation of civil rights and confiscation of property (Borbely), six years' imprisonment (Buzas) and five years' imprisonment (Biro). Katalin Biro was granted an amnesty for persons sentenced to five years' imprisonment or less.

11. Ana BLANDIANA, a poet, born in 1942, and Augustin BUZURA, a writer, are reported to have been subjected to pressure for having criticized the Government in their works. Blandiana's most recent book, Intimplari de pe Strada, was withdrawn from bookshops and her other books were taken off the

market. Buzura's column in the Cluj-Napoca literary weekly Tribuna was suppressed and he was given a column in a less important publication. No decision has yet been taken on the publication of his latest novel, which was submitted to a publishing house more than a year ago.

12. Mihai BOGONAS, Hermann HUBER, Marin ISTOC, Brigitte and Uwe KRAUSS, Uwe LANGSTEIN, Ion Gabriel LAZAROIU, aged 31, Franz-Eduard MAURER, Aleksander ORBAN, Ioan Eugen TOMTEANU, and Johann, Michael and Erhard ZIKELI are reported to have tried to leave the country illegally and have been arrested. Some of them have not yet been tried. The others have been given various sentences (five months in labour camp; eight months' work on reduced salary, under surveillance and with restricted freedom of movement; ten months' forced labour; sixteen months' disciplinary labour; sixteen months' imprisonment; house arrest).

13. Ernö BORBELY (see case of Katalin BIRO).

14. Mariana Celac BOTEZ, a town planner, wife of the dissident mathematician Mihai BOTEZ, is reported to have been downgraded in her job following her public pronouncements. Her telephone has been disconnected and she has been subjected to constant police harassment.

15. Horst BREIHOFER, a journalist from Sibiu who wishes to emigrate, as does his wife Margit, is reported to have been refused legal authorization to emigrate on two occasions. Having tried without success in July 1987 to emigrate illegally, he has lost his job as a journalist. Obliged to undertake physically arduous jobs, he is finding it difficult to make ends meet. Margit Breihofer is suffering from skin cancer and needs treatment for which, in the opinion of doctors, the necessary medicines are not available in Romania.

16. Marin BRINCOVEANU, born in Krakow in 1964, a steelworker, reportedly participated in November 1987 in a demonstration in support of the workers of Brasov, as a result of which he was expelled from Brasov Polytechnic Institute. He was arrested at the end of June 1988 after participating in the first meeting of an independent trade union in Zarnesti, near Brasov. After his arrest he was beaten by members of the Securitate, forcibly transferred to the district of Hunedoara, and obliged to take unskilled work in the Barbateni mine in the Jiu valley. He is reportedly the co-author, with Doina Cornea, of an appeal to President Ceausescu in August 1988 to end the rural systemization plan. He is now said to be under house arrest in Hundoeara.

17. Silviu BRUCAN (see case of Georghe APOSTOL).

18. Ion BUGAN, an electrician from Tecuci, is reported to have been arrested in March 1983 and sentenced to 10 years' imprisonment under article 166 of the Penal Code (propaganda against the socialist State) for distributing leaflets hostile to President Ceaucescu.

19. Vasilica BUTA, a 26-year-old architect from Bucharest, is reported to have crossed the Hungarian frontier illegally on 21 June 1988. He was brought back to Romania on the same day, arrested and severely beaten by a Romanian border guard before being sent to Oradea prison to await trial.

20. Laszlo BUZAS (see case of Katalin BIRO).

21. Augustin BUZURA (see case of Ana BLANDIANA).

22. Gheorghe CALCIU-DUMITREASA, a Romanian Orthodox priest, was arrested on 10 March 1979 after criticizing atheism, materialism and the demolition of churches in his sermons. He was sentenced to 10 years' detention for "propagating Fascist ideology". He was released in August 1984 and encouraged to leave Romania in August 1985, having meanwhile been subjected to severe restrictions on his freedom of movement and strict surveillance of his apartment block and visitors, following pressure on his friends and acquaintances.

23. Liviu CANGEOPOL, born in 1956, a writer who has given several interviews to foreign journalists, is reported to have been placed under house arrest and surveillance. His telephone has been disconnected.

24. Constantin CARAMAN, aged 77, and Ion DINICA, aged 43, Pentecostalists from Bucharest, faced criminal proceedings without detention in March 1989. They were reportedly required to report daily to Securitate premises and to spend the day there, and were subjected to pressure to denounce persons taking part in unauthorized private religious gatherings. The criminal proceedings were brought against them after the discovery, during a search of their homes, of goods and sums of money, including foreign exchange, intended to be used for setting up Bible study groups outside the official Pentecostal Church. The goods in question were confiscated.

25. Ivan CHELU, a puppeteer aged 34, has reportedly been prevented since 1986 from practising his occupation on account of his political activities, including human rights activities. After his first application for permission for himself and his family to emigrate in April 1987, he was twice interrogated. In August 1988, he was informed that he would be issued with a passport once he had obtained a visa for a Western country. In autumn 1988, the repression increased, in the form of constant surveillance, and Mr. Chelu's children were banned from attending school. The family obtained visas for Austria in March 1989 and left the country. Ivan Chelu and his wife Melinda are among the signatories of Doina Cornea's August 1988 petition against the rural systemization plan.

26. Vasile CHINDRIS (see case of Constantin CIRDEI).

27. Marin CHIRITA, from the village of Suseni, Arges district, Tania GLIGORIU, from Bucharest, Bud Rodica LIVIA, from Satu Mare, Balaban LUCRETIA, from the village of Macris, Sibiu district, Birlea MIRELA,

from the village of Valea Lunga, Alba district, and Stefanescu VIORICA, from Bucharest, have reportedly been refused permission to leave the country, although all six have been accepted as immigrants by the Australian Department of Immigration.

28. Alexandre CHIVOIU (see case of Petre Mihai BACANU).

29. Anna CIHEREAN, aged 27, was found dead in a park on 2 October 1989, the day after her arrest by the Timisoara police. On the evening of 1 October, she went to the Hotel Continental in Timisoara to meet an Italian male friend. There she was arrested by the police, who informed her that the reason for her arrest was that it was forbidden for Romanian citizens to enter hotels frequented by foreigners. According to information received, Anna Ciherean was raped and her arms and legs were broken. She had several times expressed a wish to leave the country. Many members of her family are living abroad. She herself had twice been imprisoned, in 1987 and 1988, for attempting to leave the country without permission.

30. Constantin CIRDEI, Vasile CHINDRIS, Constantin LUNGOCI, Petrica MORASAN and Zaharia MORASAN, Christians from the Suceava region who belonged to the illegal Evangelical Army of the Lord movement, are reported to have been arrested between February and April 1989 and sentenced to imprisonment for between three and four and a half years.

31. Doina CORNEA, born in 1929, a former teaching assistant at Cluj University, was reportedly dismissed from the University in September 1983 for broadcasting an appeal to Romanian teachers on Radio Free Europe. In January 1984, she wrote to the Rector of Cluj University to complain at the restrictions on academic freedom. She was detained from 19 November to 24 December 1987 after distributing, in the working-class districts of Cluj, leaflets calling for solidarity with the workers' demonstrations in Brasov. In an open letter to the authorities at the end of August 1988, she criticized the systematization campaign and called for enforcement of the Universal Declaration of Human Rights. In September 1988, she and six other members of the officially unrecognized Greek (Uniate) Catholic Church approached Pope John Paul II requesting the re-establishment of the Uniate Church, which had been officially abolished in 1948. She was placed under house arrest for the first time in Cluj on 22 September 1988. Since then, she has been placed under house arrest on several other occasions, and under police surveillance, and has been accompanied by the police whenever she goes out. On two occasions, in late September 1988 and on 16 November 1988, she was beaten during interrogations at the Cluj Securitate premises. Since May 1989 she has again been under house arrest after adding her name, in April, to the signatories of two open letters criticizing the human rights situation in Romania. On 18 May 1989, she was assaulted by the policeman on duty at her door. She has not been permitted to receive visitors or letters. Her telephone has been disconnected, and her home is guarded round the clock by an armed policeman.

32. Mihai CREANGA (see case of Petre Mihai BACANU).

33. Ferenc CSAKI, a 53-year-old peasant, is reported to have been beaten to death in 1987 by Major Agache, who has since been appointed Commander of the Tirgu Secuiesc Securitate, during interrogation in the town of Lemnit, about 10 kilometres from Tirgu Secuiesc.

34. Janos CSILIK, a Catholic priest in Oradea, is reported to have received serious injuries to his hands while being interrogated about his parishioners.

35. Dan DESLIU, a poet born in 1927, is reported to have written an open letter to President Ceaucescu in March 1989 criticizing the Government. On 16 March, he was arrested and beaten up, and on 17 March he began a hunger strike. At the beginning of April 1989 he disappeared for a time, during which he is said to have been detained in Psychiatric Hospital No. 9 in Bucharest. At present his home is under surveillance and his telephone has been disconnected.

36. Mircea DINESCU, born in 1950, a poet and former editor of the literary review România Literara, is reported to have sent an open letter to the President of the Writers' Union on 13 March 1989; in the letter he criticized working conditions, the restrictions imposed on writers, and the paralysis of the Writers' Union. On 14 March, he was dismissed from the Editorial Committee of România Literara. After giving a foreign newspaper an interview criticizing Government policy and the subservience of the judicial system and the press, which was published on 17 March 1989, he was dismissed from his job and placed under house arrest for two months. At present his home is under constant surveillance, his telephone has been disconnected, his mail is intercepted and he is not permitted to receive visitors.

37. Ion DINICA (see case of Constantin CARAMAN).

38. Lidia DISAGA and her daughter Dana Ligia Marta DISAGA, active members of the Baptist Church in Resita, reportedly applied to emigrate to the United States in 1984 but were refused permission. Dana lost her job as an accountant in 1984, after submitting her application. Both women have been regularly interrogated by the police and are under constant surveillance. The whereabouts of Nicolae Mugurel Disaga, son of Lidia and brother of Dana, and a student at Timisoara University, have not been known since July 1982. There was no response to the requests for an inquiry addressed by Lidia Disaga to the Ministry of the Interior, the Department of Justice and the Romanian Red Cross. Several months later, she was informed that her son's corpse had been found in the Danube, but the description given did not correspond to that of Nicolae Disaga. Lidia Disaga's husband, Vasile Disaga, was killed in unexplained circumstances in 1985, after falling from a third-floor window at the ICM factory in Resita, where he worked as an engineer. After a cursory inquiry, death was attributed to an accident and the case was closed.

39. Ioan and Jurca DOBRE, leaders of the August 1977 strike in the Jiu Valley, died shortly after the strike in circumstances which were not accounted for by the police. Ioan Dobre, an engineer and foreman, is reported to have been knocked down by a lorry that was being run in, in an accident that took place on 27 October 1977 in suspicious circumstances. The person responsible for the accident has not been identified. Dobre's wife, a secretary, was dismissed from her job shortly after the strike. She is living on a monthly pension of 800 lei (100 lei = approximately $8). Their children have been expelled from school. Jurca, a minor, was also killed in a motor accident, shortly after Ioan Dobre.

40. Dorel DORIAN, Pia SERBANESCU and Ioan STOICA, three journalists on the newspaper România Libera, were dismissed for expressing sympathy, during a private conversation, with colleagues on România Libera who had been arrested in January 1989 (see case of Petre Mihai BACANU).

41. Ion DRAGHICI, aged 45, a cybernetics expert from Sibiu, was sentenced to 10 years' imprisonment in 1983 for propaganda against the socialist State, after distributing leaflets encouraging citizens to join an opposition organization (the independent trade union "Fraternitatea"). He was sent to Aiud prison, where he is reported to have been subjected to various punishments for attempting to defend his rights. He was freed under the amnesty of 27 January 1988.

42. Cornel DUMA, (see case of Daniel BAIAS).

43. Vasile DUMITRACHE, a 41-year-old bricklayer, who reportedly made several applications for official authorization to leave the country, was arrested on 6 June 1989 and taken to Poarta Alba prison. All the members of his family have already left the country. He had already been arrested several times after applying for authorization to leave the country and as a result of one or more attempts to leave the country without authorization.

44. Iulius FILIP, a worker from the Cluj region, was reportedly detained for over five years under article 166 of the Penal Code for having sent a message of support to the delegates to the first congress of NSZZ "Solidarnosc", an affiliate of the International Confederation of Free Trade Unions, in September 1981. Since his release, he has been rearrested on several occasions and brutally beaten by the police during one arrest for having signed an appeal in favour of human rights. In 1988, he took part in the establishment of the trade union organization Libertatea and was arrested, detained and beaten on several occasions in July of that year. In December 1988, he was forced to emigrate.

45. Radu FILIPESCU, aged 31, a former employee of the Pipera electronics complex, was reportedly sentenced to 10 years' imprisonment in September 1983 by the Bucharest military court pursuant to article 166, paragraph 2, of the Penal Code (propaganda against the socialist State) for distributing leaflets criticizing the Government. Released on 18 April 1986, he was again arrested on several occasions for varying periods, brutally beaten by the police, and

released without being charged (in particular in December 1987, with Doina Cornea and her son, after an interview by French television, and at the beginning of 1988). He took part in the establishment of the trade union organization Libertatea.

46. Ion FISTIOC, an architect, was reported to have been arrested on 7 July 1988 and his family has had no news of him since then. He had earlier been detained on two occasions in 1987 and held incommunicado for 24 hours in May of that year. He tried to inform Mikhail Gorbachev of his opinions on the human rights situation in Romania when Mr. Gorbachev visited Romania in December 1987. During the same month, he went on a five-day hunger strike in prison.

47. Vasile V. FLUTAR, a former military prosecutor, author of a letter of protest to President Ceaucescu at the end of May 1984, was reportedly dismissed from the army. He was arrested and held incommunicado at Sibiu for 120 days in July 1985. He was arrested again on 4 May 1987, on orders from Securitate, and beaten on military police premises. He was also detained approximately 10 times for short periods. Several manuscripts were seized during a search of his home without a warrant. He was unemployed from 10 July 1984 to 15 July 1987. He was rearrested in 1986 and held for 30 days. He fled to Hungary in 1989. As military prosecutor for a Hungarian-border region from 19 June 1983 to the end of May 1984, he had learned of several cases of ill-treatment of villagers by soldiers, and of frontier guards committing acts of brutality against, and shooting at, persons who tried to cross the border illegally.

48. Nicolae GHEORGHE, born in 1950, from Moldav Veche in the Yugoslav-border region, reportedly tried to cross the border illegally during the night of 6/7 October 1986, in the company of Alfred Joszef SCHMIDT and his nephew Walter. The nephew was reportedly killed by border guards in unexplained circumstances. It is not known what happened to Nicolae Gheorghe, and his family has had no further news of him.

49. Tania GLIGORIU (see case of Marin CHIRITA).

50. Eva GYIMESI, teaching assistant at Cluj University, was reportedly arrested on 20 June 1989 and released after three days of questioning. She was taken away by Securitate on several occasions for interrogation and her home is under close surveillance. She was accused of economic crimes and may be charged with speculation. In a letter addressed to the Ministry of Education, she expressed her disagreement with the way in which jobs were given to persons of ethnic Hungarian origin who had completed their university studies.

51. Hermann HUBER (see case of Mihai BOGONAS).

52. Mihai HUREZEANU, a worker from Cluj born in 1961, reportedly attempted to establish a reforming communist party in 1984. Following interrogation by Securitate, he was held for three days in a psychiatric hospital. In the past four years, he has been followed, interrogated and threatened with permanent confinement in a psychiatric hospital. He is among the signatories of the August 1988 appeal by Doina Cornea against the rural systematization plan. He is unemployed and has applied to emigrate.

53. Nicolae IACOB, Gheorghe IACOBUTA and Valentin RUSU, Baptists, were reportedly arrested the night before the demolition of the Baptist Church at Comanesti, near Bacau, on 31 May 1989. The reason given for the demolition was that the church had been built without a permit, but the members of the church claim to have received verbal authorization. The three Baptists were beaten after their arrest, as was Pastor Ioan Chivoiu and another Baptist, Mihai Cretu. The two last-named were released shortly thereafter. The trial of Iacob, Iacobuta and Rusu began on 10 August 1989 at Gheorghe Gheorgiu-Dej. During the first hearing, one of the witnesses for the prosecution, who had formerly stated that he had received money from Rusu, withdrew his statement, which he said he had signed under duress. The second hearing took place on 7 September. The trial ended at the beginning of October 1989, with disciplinary labour sentences of one year to two years and eight months being handed down.

54. Gheorghe IACOBUTA (see case of Nicolae IACOB).

55. Lucian IANCU (theatre director), Alexandru MATEIESCU (merchant marine pilot) and Florentin SCALETCHI, aged 34 (captain of a merchant ship which had been prohibited by Securitate from entering "international" waters), reportedly attempted to sail to Turkey without authorization. Florentin Scaletchi was reported to have been sentenced to death on 28 March 1986 by the Bucharest military court for treason and other crimes. On 1 July 1986, the Supreme Court commuted his sentence to 20 years' imprisonment. Lucian Iancu and Alexandru Mateiescu were reportedly sentenced to 20 years' imprisonment.

56. Marin ISTOC (see case of Mihai BOGONAS).

57. Dumitru IUGA, aged 40, an electrician from Budapest, who in the summer of 1983 organized a group of students and young workers opposed to Government policy, was tried in September 1983 on a charge of spreading propaganda against the socialist State, pursuant to article 166 of the Penal Code, and sentenced to 12 years' imprisonment. He is reportedly being detained in Aiud prison. Five other persons of the same group were sentenced to five years' imprisonment and subsequently released.

58. Leontin C. IUHAS, a retired lawyer from Cluj, husband of Doina Cornea (see case of Doina CORNEA), has reportedly been under surveillance by Securitate since 1983. He has frequently been summoned to Securitate, interrogated and threatened, and has been forbidden to receive or make visits since May 1989.

59. Leontin Horatiu IUHAS, son of Doina Cornea (see case of Doina CORNEA), a 33-year-old engineer, was reportedly imprisoned from 19 November to 24 December 1987, together with his mother, for having distributed leaflets calling for solidarity with the demonstrators in Brasov. He has been under police surveillance since mid-September 1988 and has received threats of ill-treatment against his children. Accused of having contacts with foreigners visiting his mother on 26 May 1989, he was transferred to a different sector of his enterprise at the beginning of June and then dismissed from the Mining Computer Centre in Cluj on 23 June. He refused a travelling engineer's post based in Bistrita, which was not consistent with his qualifications, and has initiated legal proceeds against the Mining Computer Centre in Cluj.

60. JURCA (see case of Ioan DOBRE).

61. Julia KERESTELY, a biology teacher, reportedly committed suicide at Nadlac at the end of 1986 after a Securitate agent urged her to leave Nadlac and forbade her to speak Hungarian in school. Securitate prevented her family from disclosing her death, refused to allow a second autopsy (the autopsy conducted locally indicated incisions of the arteries of the wrists and neck) and prohibited the newspapers from reporting the death until after the funeral.

62. Karoly KIRALY, born in 1928, former member of the Executive Committee of the Politburo, a critic of the Government's anti-Hungarian policy, was dismissed from his public duties in February 1978 and temporarily placed under house arrest. He is said to be under close surveillance and prevented from contacting journalists. He is no longer authorized to publish books.

63. Brigitte and Uwe KRAUSS (see case of Mihai BOGONAS).

64. Attila KUN, a doctor, was reportedly sentenced to three years' imprisonment in January 1987 for undisclosed reasons. He refused to issue a certificate of natural death following a death resulting from violence in a prison.

65. Uwe LANGSTEIN (see case of Mihai BOGONAS).

66. Ion Gabriel LAZAROIU (see case of Mihai BOGONAS).

67. Gheorghe LIANTE, aged 28, who had applied to emigrate, is reported to have attempted to leave the country illegally on 29 May 1987 at a point where Romania borders on both Hungary and Yugoslavia. He managed to enter both countries in turn and was killed in Hungary by a Romanian guard who had followed him.

68. Nicolae LIITOIU, born in 1959, was reportedly sentenced to 15 years' imprisonment in September 1981 under article 166 of the Penal Code (propaganda against the socialist State) for throwing a firecracker at Party headquarters in Ploiesti and throwing leaflets from the roof of an Omnia store in the same town.

69. Bud Rodica LIVIA (see case of Marin CHIRITA).

70. Balaban LUCRETIA (see case of Marin CHIRITA).

71. Constantin LUNGOCI (see case of Constantin CIRDEI).

72. Marian LUPAU (see case of Mihai TORJA).

73. Corneliu MANESCU (see case of Georghe APOSTOL).

74. Alexandru MATEIESCU (see case of Lucien IANCU).

75. Franz-Eduard MAURER (see case of Mihai BOGONAS).

76. Dumitru MAZILU, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, had been appointed by the Sub-Commission, pursuant to its resolution 1985/12, to prepare a report on human rights and youth, which should have been submitted to the Sub-Commission at its thirty-ninth session in 1987. Mr. Mazilu did not submit his report at that time, and consideration of the report was postponed until the fortieth session. However, it was not possible to hold the consultations needed to finalize the text at the Centre for Human Rights in Geneva, and Mr. Mazilu informed the Secretary-General that the competent authorities had not authorized him to travel. In April and May 1989, the Secretary-General received parts of the report, issued as document E/CN.4/Sub.2/1989/41 and Add.1. In an open letter to the President of the forty-third session of the General Assembly and to the Chairman of the fortieth session of the Sub-Commission, Mr. Mazilu mentioned, inter alia, the restrictive measures and harassment to which he and his family had been subjected since 1986. Those measures allegedly included house arrest, police surveillance, death threats against himself, his wife and his son, confiscation of his passport and his correspondence with the Centre for Human Rights, disconnection of his telephone, his arbitrary replacement - against Association rules - as Secretary-General of the Romanian United Nations Association, and a medical report arbitrarily declaring him to be ill, despite contrary opinions by medical experts. The Economic and Social Council asked the International Court of Justice for an advisory opinion on the legal question of the applicability of article VI, section 22, of the Convention on the Privileges and Immunities of the United Nations to Mr. Mazilu's case. On 15 December 1989, the Court expressed the opinion that article VI, section 22, of that Convention was applicable to Mr. Mazilu's case in his capacity as Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

77. Dumitrue MIRCESCU, a human rights activist, was reportedly detained on several occasions for political activities. In October 1986, during a police raid on his home in Bucharest, his wife was killed by being thrown from a window. On 25 May 1987, he was again arrested and sent to a psychiatric

hospital at Cula, near Bucharest, with no medical certificate, on police orders, and kept there for three days. He was rearrested in December 1987 and later released. Since then he has been living under the threat of further internment.

78. Birlea MIRELA (see case of Marin CHIRITA).

79. Gusztáv MOLNAR, a philosopher, political theorist and spokesman for the Hungarian minority in Romania, contributor to the Kriterion publishing company, who emigrated to Hungary on 30 March 1988, had reportedly been subjected to police harassment, interrogations and house searches for several years. He had also been prevented from travelling abroad. In March 1988, he was dismissed from his post, one month after the police had searched his home. During the search, which was conducted by five persons and lasted eight hours, hundreds of books published in Hungary, manuscripts, tapes and photocopies were seized. In autumn 1985, he had founded a cultural organization dealing with issues of importance to the Hungarian minority. The organization, called Limes (frontiers), was disbanded after Mr. Molnar emigrated.

80. Petrica MORASAN (see case of Constantin CIRDEI).

81. Zaharia MOROSAN (see case of Constantin CIRDEI).

82. Aurel Dragos MUNTEANU, born in 1942, a writer, was reportedly dismissed from his post with the literary weekly Luceafarul "for political reasons" after criticizing Government policy. On 30 September 1988, he had addressed a letter of resignation from the Communist Party to the secretary of the journal's Party bureau. He is under close surveillance and his telephone has been disconnected. He has been forbidden to publish.

83. Georghe NASTACESCU, aged 58, a construction worker, is reported to have been sentenced in 1983 to nine years' imprisonment for throwing leaflets from scaffolding in Bucharest. He was amnestied in January 1988 and is a member of the trade union organization Libertatea.

84. Puiu NEAMTU, electrician, from Fagaras, a co-signatory of several open letters by Doina Cornea, in particular the August 1988 appeal against the rural systematization plan, is reported to have been subjected to police pressure and threats. His telephone has been disconnected and he himself has been placed under house arrest since September 1988.

85. Carol OLTENU, an engineer from Arad, sentenced to 10 years' imprisonment for "anti-régime activity", is reported to have been amnestied in January 1988. He is said to be a member of the trade union organization Libertatea, established in May 1988.

86. Aleksander ORBAN (see case of Mihai BOGANOS).

87. Géza PALFI, a Catholic priest from Odorheiu Secuiesc, an ethnic Hungarian, was reported to have been arrested on 25 December 1983 by members of Securitate after criticizing in a sermon the fact that Christmas Day was regarded as an ordinary working day. He was severely beaten by members of the police during his detention, the blows causing a ruptured liver, fractures of the ribs and injuries to the kidneys. He was taken to Tirgu Mures hospital in a critical condition and died in February 1984. His death certificate, issued by Securitate reportedly gave cancer of the liver as the official cause of death.

88. Bela PALL, an ethnic Hungarian teacher, was reported to have been arrested in May 1983 after writing a letter to Romanian radio and television requesting more programmes in Hungarian, and attending the funeral of the poet Guyla Illyes. His wife was not informed of his whereabouts for two months, and neither she nor the lawyers were given access to the case file. The defence counsel was not allowed into the courtroom at the third and last hearing. Mr. Pall, who was sentenced in August 1983 to six years' imprisonment under article 166 of the Penal Code, was reported to have been released on 21 December 1986.

89. Vasile PARASCHIV, worker and human rights activist, was reported to have first been interned in Urlati psychiatric hospital in 1969 after criticizing working conditions in Romania. He immediately went on hunger strike and was released. In 1976, having signed an appeal to the Communist Party, he was interned for three weeks in Voila Cimpina pyschiatric hospital on the grounds that he was suffering from psychopathic paranoia and persecution complex. At the end of 1977, he was allowed to visit France, where a psychiatric examination confirmed that he was not suffering from any mental illness. In 1979, he is stated to have joined the SLOMR (Free Trade Union of Romanian Workers); he was arrested and beaten in Bucharest in February 1979 for supporting this movement. After the dissolution of the SLOMR, Paraschiv went missing for a time. When he was seen again in 1982, he appeared to have been subjected to police brutality. No current information about him is available.

90. Valentin PAUNESCU, manager of a plastics factory at Cervenia, was reported to have been arrested in May 1985 after both he and his wife had been refused a visa for foreign travel. During the legal investigation, he was ill-treated and beaten until he lost consciousness. He was charged with possessing goods obtained illegally, even though he submitted Customs declarations and other documents to justify the pressence of the objects seized at the time of his arrest. On 15 November 1986, he was sentenced to 10 years' imprisonment for "misappropriation of funds" and to a further three years on the grounds of the "social danger of the offence" committed. He retracted the admissions he had made during his pre-trial detention, stating that they had been extorted under duress and that witnesses had been compelled to testify against him. Irregularities were also reported during the hearings of his case before the court of first instance and the appeal court in February 1987, when his sentence of 10 years' imprisonment was upheld.

91. Mihai PAVALASU, was reported to have been arrested in April 1988 after giving an interview to foreign journalists. No further information about him is available.

92. Georghe PAVEL, Victor Vasile TOTU and Florin VLASCIANU are reported to have been sentenced to seven to eight years' imprisonment for propaganda against President Ceaucescu.

93. Dan PETRESCU, born in 1949, author, who has given several interviews to foreign journalists, is reported to have been placed under house arrest and under surveillance. His wife has been subjected to considerable pressure by the police and their telephone has been disconnected. He was reportedly arrested at Iasi on the night of 30/31 October 1989, after publication and broadcasts of interviews given to the newspaper Libération and to the Voice of America and Europe Libre radio stations. He was released in November 1989. He is currently under house arrest at Iasi and is not allowed to receive either mail or visitors.

94. Constantin PIRVULESCU (see case of Georghe APOSTOL).

95. Andrei PLESU, art critic, is reported to have joined six other writers in a public protest against the sacking of Mircea Dinescu in March 1989 (see case of Mircea DINESCU). He was sent to Tescani, in the provinces, and kept under surveillance. He has refused offers of work inappropriate to his qualifications.

96. Doru POPA, lay pastor of Speranta Baptist Church at Arad, is reported to have been expelled from the Romanian Baptist Union in October 1987. He is one of the growing number of lay pastors who endeavour to fill the gap due to the very small number of officially recognized Baptist ministers. The Department of Worship had earlier, in February 1987, refused to authorize his appointment to the post concerned. He was readmitted as a member of the Baptist Union in November 1988 but was not allowed to resume his work as a pastor.

97. Emilia POPESCU (see case of Adrian STAICU).

98. Nestor POPESCU, Romanian Baptist and former film editor, is reported to have been relieved of his duties in July 1987 "for religious propaganda at his place of work" and for "slandering the cultural policy of the Romanian Communist Party". He was arrested on 21 August 1987 in front of the Swiss Embassy in Bucharest, which he had visited for the purpose of handing in a letter critizing the Government. On 22 August, the police searched his home and confiscated his Bible, a prayer book and notes for a book he was intending to write on Romania. After his arrest, he was taken to the headquarters of the national security services for questioning; he was charged with causing injury to others after a brawl in front of the Swiss Embassy and imprisoned, then subsequently interned in a psychiatric hospital at Poiana Mare. He appealed against his detention in July 1988, and the authorities at the psychiatric hospital, apparently at a first hearing, requested that he should be released. However, the doctors were subjected to pressure by Securitate

and changed their opinion at a subsequent hearing. The public prosecutor recommended his release, but the court decided, on 3 August 1988, that Mr. Popescu should continue to be interned in the hospital. In October 1988, he staged a 10-day hunger strike in protest against his treatment. He is allegedly still detained in the psychiatric hospital.

99. Ion PUIU, 70-year-old engineer, is reported to have been placed under house arrest at the beginning of January 1989 and the apartment block where he lives was placed under constant surveillance by Securitate. For several months, no information about him or his wife has been available. Ion Puiu has already served a 17-year prison sentence after the disbandment of the National Peasant Party, of which he had been an active member. On 20 October 1986, he announced his support for a declaration commemorating the Hungarian uprising, following which he was questioned repeatedly by the police and beaten on several occasions.

100. Ion RACEANU, (see case of Georghe APOSTOL).

101. Mircea RACEANU, born in 1934, diplomat and adopted son of Ion Raceanu (see case of Georghe APOSTOL), is reported to have been arrested on 31 January 1989 in Bucharest and held in pre-trial detention on charges of espionage and treason. He tried to go to the United States Embassy in Bucharest to hand in a copy of an open letter critizing government policy, signed by six former members of the Party (see case of Georghe APOSTOL). His wife was arrested with him and released shortly afterwards. He was tried in camera and sentenced to death, the sentence being commuted to one of imprisonment on 4 September 1989.

102. Ionel RADU, from Timisoara, is reported to have been arrested while attempting to cross the Yugoslav frontier illegally on 22 August 1988. Frontier guards arrested him, beat him and set dogs on him, as a result of which his face is partly disfigured. He was reportedly sentenced by the Timisoara court to 22 months' re-education for attempting to cross the frontier illegally.

103. Florian RUSSU, founder in 1982 of the youth organization of the disbanded National Peasant Party and former head of this movement, is reported to have been imprisoned on several occasions, particularly in 1984 and June 1986, when he was sentenced to four months' imprisonment for "parisitism". He emigrated in October 1988, having spent a total of four years in prison.

104. Valentin RUSU, (see case of Nicolae IACOB).

105. Ioan Constantin RUTA, a Bucharest engineer, is reported to have been arrested a few months after his wife had been granted political asylum in the United States. He was detained incommunicado for about four months, under harsh conditions, and suffered ill-treatment, blows and insults during repeated questioning in the course of the legal investigation. At the end of this period, he was charged with corruption. His trial was conducted in four hearings spread over a period of three months, with no chance of preparing his

defence with the assistance of counsel, retracting written statements extorted by force or being allowed to call certain witnesses. In November 1986, he was found guilty of corruption and sentenced to seven years' imprisonment and to a fine of 100,000 lei (about $8,000). He is stated to have received a presidential pardon on 6 June 1987 and to have been authorized to emigrate to the United States.

106. Dan SAMPALEANU, teacher, from Blaj, co-signatory of the appeal in August 1988 by Doïna Cornea against the rural systematization plan, is reported to have been arrested on 12 April 1989, severely beaten with truncheons and questioned without a break for 18 hours, after attempting to meet Doïna Cornea.

107. Florentin SCALETCHI, (see case of Lucian IANCU).

108. Hans Werner SCHNEIDER, aged 29, is reported to have attempted to leave the country in 1987. He was last seen at Turnu Severin station, where he was arrested on 21 August 1987. His family have received no information about him from the authorities.

109. Bela SEPSI, the husband of one of the parishioners of Pastor Laszlo Tokes (see case of Laszlo TOKES) is reported to have been charged in October 1989 with illegal possession of foreign currency. During questioning, he received serious head injuries and had to be taken to hospital, where he was put in intensive care.

110. Bogdan SERBAN and Ioan VOICU, trade unionists, co-signatories of Doïna Cornea's appeal in August 1988 against the rural systematization plan, were reported to have been beaten and arrested in Liberty Square, Cluj, on 1 May 1989 with Mihai Torja (see case of Mihai TORJA) for attempting to meet Doïna Cornea (see case of Doïna CORNEA). Bogdan Serban is reported to have taken part in the attempt to organize an independent trade union at the Zarnesti weapons factory near Brasov in June 1988.

111. Pia SERBANESCU, (see case of Dorel DORIAN).

112. Werner SOMMERAUER, of German ethnic origin, is reported to have been sentenced to three years' disciplinary labour in the town of Tulcea on the Danube delta, after having taken part in the Brasov demonstration in November 1987.

113. Adrian STAICU and Emilia POPESCU, both aged 34, are reported to have crossed the Hungarian frontier illegally on 7 May 1988; they were returned to Romania and arrested by the Romanian authorities on 15 May 1988. They were severely beaten in Oredea prison prior to their trial, and were each sentenced to 16 months' imprisonment under article 245 of the Penal Code.

114. Nicolae STANCESCU, hydraulic engineer, was reportedly compelled to take early retirement on account of his reformist political views. He has served several prison sentences and periods of house arrest during the past two years.

115. Nicolae STOIA, professor at the University of Cluj and the author of a samizdat publication, was reportedly arrested in June 1984. No further information on his case is available.

116. Ion STOICA (see case of Dorel DORIAN).

117. Géza SZOCS, an ethnic Hungarian intellectual, one of the persons responsible for the unofficial news bulletin Ellenpontok and one of the editors of a memorandum, published in October 1982 in the eighth issue of Ellenpontok, on the situation of ethnic minorities in Romania and intended for participants in the Madrid Conference on the follow-up to the Helsinki Agreements, is reported to have been placed under house arrest following publication of the memorandum. His books and manuscripts were seized, and he was subjected to several interrogations and house searches. His phone was tapped and in August 1986 he was expelled to Hungary.

118. Ladislau and Maria SZOKE, engineers, are reported to have applied ten years ago to join members of their families in the Federal Republic of Germany. They were both dismissed from the Technical Tool Institute (IPUC) in Timisoara in February 1989, while Ladislau Szoke was on sick leave. Their son Dieter, aged 9, is reported to be seriously ill and to require treatment and medicine that are not available locally.

119. Laszlo TOKES, minister of the Reformed Church in Timisoara, is reported to have been dismissed in 1988 after having criticized the regular decline in the quota of students allowed to study theology. On 1 April 1989, the Bishop of Oradea, Laszlo Papp, reportedly ordered Tokes' transfer from Timisoara to a remote village, which Tokes refused, with the support of his parish. He was taken in for questioning in August 1989 following the broadcast, on Hungarian television on 24 July 1989, of an interview in which he criticized, in particular, the rural systematization policy. In September 1989, several worshippers in his parish were subjected to pressure and threats intended to foment antipathy between them and Tokes (see case of Ernö UJVAROSSY). The parish has been under constant surveillance since the beginning of September 1989. In October, proceedings for the expulsion of Laszlo Tokes from his parish in Timisoara were begun by Bishop Laszlo Papp, and on 20 October the Timisoara court ordered his expulsion, following which he and his family took refuge in the church. On 2 November 1989 he was attacked by four masked men in the church and received a slight injury to his forehead.

120. Ioan Eugen TOMTEANU (see case of Mihai BOGONAS).

121. Nicolae and Petru TONITZA, aged 25 and 21 respectively, are reported to have been deprived of all means of subsistence, and expelled from their flat and the university after their mother, a political dissident, had sought refuge in France. Their father is reported to have died in unexplained circumstances.

122. Mihai TORJA, a fitter, born in Brasov in 1964, and Marian LUPAU, currently employed in a cellulose factory near Brasov, are reported to have been beaten up by a Securitate agent, dismissed from the Zarnesti weapons factory and sent to other places of work as unskilled workers, following an attempt to organize an independent trade union at the factory, near Brasov, in June 1988. Mihai TORJA is said to have previously taken part in a demonstration in support of the Brasov workers in November 1987, and subsequently to have been expelled from Brasov Polytechnic, where he was taking evening classes. More recently, on 1 May 1989, he was brutally beaten and arrested at Cluj for having attempted to meet Doïna Cornea (see case of Doïna CORNEA). Both Torja and Lupau are among the signatories of the appeal issued in August 1988 by Doïna Cornea against the rural systematization plan.

123. Karoly TOTH, an ethnic Hungarian intellectual, one of the persons responsible for the unofficial news bulletin Ellenpontok and one of the editors of a memorandum, published in October 1982 in the eighth issue of Ellenpontok, on the situation of ethnic minorities in Romania and intended for participants in the Madrid Conference on the follow-up to the Helsinki Agreements, was reportedly arrested at his home in Oradea on 7 November 1982. During his interrogation he was beaten by the police, who kicked him, beat his head against the wall and struck him on the head, neck and back with a rubber truncheon. He was released on 11 November, and marks left by the blows were still visible two weeks later. He was reported to have been expelled to Hungary in July 1984.

124. Victor Vasile TOTU (see case of Georghe PAVEL).

125. Zoltan TUDORAN, aged 28, from Miercurea Cluj, was reportedly arrested in March 1988 after having protested against the treatment of the Hungarian minority in Romania. He was sentenced to 20 years' imprisonment.

126. Georgica TUFEANU, aged 31, an industrial painter from Galati, was reportedly sentenced in March 1989 to 16 months' imprisonment for theft. On appeal, the sentence was replaced by one of 28 months' imprisonment. He was arrested in August 1989, probably on 29th, the date on which his sentence took effect. According to the local authorities, he had requested authorization to leave the country on several occasions since 1986 and was in possession of more money than could be justified by his social position, a fact which led them to the conclusion that he had committed a theft. According to other sources, he had been sent the money by relatives living abroad. On 16 August 1989, he was reportedly granted a Swedish residence and work permit.

127. Ernö UJVAROSSY, an entrepreneur, close associate of the minister Laszlo Tokes (see Laszlo TOKES) and an active member of the Reformed Church in Timisoara, was reportedly threatened with dismissal or transfer to another job, in order to dissuade him from supporting Laszlo Tokes. On 12 September 1989, he disappeared in mysterious circumstances and, on 14 September, he was found dead in a wood outside Timisoara, with traces of

blood on his head. The inquiry concluded that the cause of death was "suicide through absorption of medicine". After hearing of Ujvarossy's disappearance, Laszlo Tokes wrote to the Bishop of Oradea, Laszlo Papp, informing him of the atmosphere of fear and intimidation in the parish and requesting his intercession to remedy the situation.

128. Anton UNCU (see case of Petre Mihai BACANU).

129. Gheorghe-Emil URSU, a civil engineer from Bucharest, aged 60, who was arrested on 21 September 1985, had reportedly been under constant investigation since 3 January 1985 after having criticized government policy and President Ceausescu himself. On 26 October 1985, his wife was informed by the authorities that he had fallen ill in detention and, on 19 November she was told that her husband had died from heart failure. Gheorghe-Emil Ursu was reportedly cremated on 23 November and, according to members of his family who had been able to catch a brief glimpse of his body the previous day, traces of blood were visible on his shirt and his left temple bore signs of injury. According to information received, his death resulted from ill-treatment while under detention.

130. George VASILESCU, a retired lawyer and co-signatory of several open letters by Doïna Cornea, has, together with his family, reportedly been subjected to police harassment since September 1988. His phone has been disconnected since 15 January 1989, and no further information about him has been received since late February 1989.

131. Stefanescu VIORICA (see case of Marin CHIRITA).

132. Arpad VISKY, an ethnic Hungarian actor, reportedly died in unexplained circumstances on 5 January 1986 in a forest on the outskirts of Sfintul Gheorghe. The official report states that he committed suicide, but the circumstances of his death remain unclear. Arpad Visky, who had applied to emigrate to Hungary in the autumn of 1985, had been subjected to pressure and threats by the police shortly before his death.

133. Ferenc VISKY, a member of the Reformed Church, was reported compelled by his bishop to retire in 1983, after having organized unauthorized meetings. The authorities compelled him to leave his home and his religious books were confiscated. His son Andras Visky, a Christian activist, is also said to be subjected to police surveillance and harassment.

134. Florin VLASCIANU (see case of Georghe PAVEL).

135. Ioan VOICU (see case of Bogdan SERBAN).

136. Johann, Michael and Erhard ZIKELI (See case of Mihai BOGONAS).

Annex II

CASES OF REQUESTS FOR FAMILY REUNIFICATION BROUGHT TO THE ATTENTION OF THE SPECIAL RAPPORTEUR

APPLICANTS	PERSONS CONCERNED NOW IN ROMANIA	POSSIBLE COUNTRY OF REUNIFICATION
Troian Budea	Wife Dorina Budea and their two children Cosmin Budea and Bogdan Budea, domiciled in Brasov	United States of America
Bianca Seppey-Pirvulescu	Mother, Carmen Ileana Pirvulescu, holder of dual Greek and Romanian nationality, domiciled at Bucharest	Switzerland or Greece
Johann Haidt	Parents, Johann and Sofia Haidt, domiciled in Arad	Federal Republic of Germany
Theresa Haidt	Parents, Josef and Eva Kompass, brother Peter Kompass, sister-in-law Ekatarina Kompass and their two children, Karine and Robert Kompass, domiciled in Arad	Federal Republic of Germany
Gerlinde Papai	Mother Maria Buchholzer, domiciled in Sibiu	Federal Republic of Germany
Hermine Dietrich	Parents Peter and Magdalena Klinger	Federal Republic of Germany
Katharina Borscht	Son and daughter-in-law, Josef and Teresia Borscht	Federal Republic of Germany
Merita Umstätter	Brother Walter Stein and his family (Johanna Stein, Melitta Stein, Johann Stein, Arnold Stein)	Federal Republic of Germany
Josef Webler	Son Josef Webler, with his wife and children; daughter Sofia Dumela, with her husband and children	Federal Republic of Germany

APPLICANTS	PERSONS CONCERNED NOW IN ROMANIA	POSSIBLE COUNTRY OF REUNIFICATION
Katharina Barthold	Son Georg Barthold and his family (wife Anna Barthold, daughter Annemarie Barthold and mother-in-law Magdalena Koling); daughter Hedvig Geis and her family (husband Peter Geis, children Fredi, Günter, Robert and Erika Geis), son Erich Barthold and his family	Federal Republic of Germany
Magdalena Wagner	Son Peter Wagner and daughter-in-law Nicoleta	Federal Republic of Germany
Sofia Mayer	Brother Anton Lock, his wife Anna and mother-in-law Sofia Kessel, nephew Anton Lock, with his wife Sofia and their two children (Oliver and Elfriede)	Federal Republic of Germany
Sofia Marksteiner	Son Josef Marksteiner, his wife Anna and their children Christoph, Wilfried and Thomas, and Josef's mother-in-law Sofia Simon	Federal Republic of Germany
Hans Simon	Wife Ingeborg and their children Hans-Jürgen and Erwin	Federal Republic of Germany
Helga Zeck	Mother Katharina Volk; grandmother Rosalia Volk, brothers Günther Jerger and Franz-Walter Jerger, and the latter's family (wife Angela and their children Hanno-Christian and Gino-Walter)	Federal Republic of Germany
Barbara Vohburger	Son Ewald Augustin, his wife Maria, and their children Renate, Reinhold and Manfred	Federal Republic of Germany
Ecaterina Kuhn	Parents Nikai and Ecaterina Tecker; brother Bernhard Tecker	Federal Republic of Germany
Hermine Neumann	Parents, Andreas and Anna Kiszeli	Federal Republic of Germany

APPLICANTS	PERSONS CONCERNED NOW IN ROMANIA	POSSIBLE COUNTRY OF REUNIFICATION
Eva Borota	Sister, brother-in-law (Mr. and Mrs. Josif Zsebenyi) and their two children	United States of America
Eric-Alexandru Vogl-Popescu	Wife Alexandrina-Aurora, children Nicolae-Alexandru and Stefan-Mihai, and mother-in-law Josefina Davidescu-Podek	Federal Republic of Germany
Johann Horwath Vogl-Popescu	Son Josef Horwath and his family (his wife Marlise, his children Christian and Markus)	Federal Republic of Germany
John Achim	Fiancée Denise Farcas, whose application for permission to marry made on 8 February 1989 has reportedly not been answered	United States of America
René Monard	Fiancée Liana Duhanes, domiciled in Cluj-Napoca, whose application for permission to marry was reportedly refused on 23 March 1989 by the Romanian Council of State	Belgium
Anna Schön	Parents Bernat and Anna Brill, sister Anna Eckert, née Brill, and her sister's family	Federal Republic of Germany
Alfred Hack	Mother Elisabeth Keller, née Keller, sister Gerlinde Hack and grandmother Elisabeth Keller, née Hoffmann	Federal Republic of Germany
Johann Geise	Parents Jakob and Katherina Geise, sister Elisabetha Stefanescu, née Geise, and her husband Dimitru Stefanescu and children Claudia and Monica Stefanescu	Federal Republic of Germany
Paul Vormittag	Mother Ana Vormittag, seriously ill, and sister Teresia Heiberger, severely handicapped	Federal Republic of Germany

APPLICANTS	PERSONS CONCERNED NOW IN ROMANIA	POSSIBLE COUNTRY OF REUNIFICATION
Siegfried Binder	Fiancée Agathe Kaiser, domiciled in Brasov, whose application for permission to marry a foreign national was apparently not authorized	Federal Republic of Germany
Sandor Beres	Wife Jolan Beres, son Sandor Beres, adopted daughter Hajnal Szopas, domiciled in Miercurea-Ciuc	Republic of Hungary
Ecaterina Molnar	Eugen Molnar and daughter Katalin Molnar, domiciled in Cluj-Napoca	Republic of Hungary
Karoly Hodos	Wife Hajnal Hodos, sons Csongor Hodos and Zsolt Hodos, domiciled in Tirgu-Mures	Republic of Hungary
Carmen Panta	Husband Ioan Panta, daughter Gusca and son Ovidiu, domiciled in Timisoara	Republic of Hungary
Aron Gödri	Wife Erzsebet Gödri, daughter Enikö Gödri and son Attila Gödri domiciled in Covasna	Republic of Hungary
Istvan Pajor	Wife Iren Pajor and son Csaba Istvan Pajor, domiciled in Brasov	Republic of Hungary
Samuel Batá	Wife Klara Bato, daughter Zsuzsanna Bato and son Jozsef Bato, domiciled in Odorheiu Secuiesc	Republic of Hungary
Gabor Dimeny	Wife Ildiko Dimeny, son Gabor Dimeny and daughter Katalin Dimeny, domiciled in Sfintu-Gheroghe	Republic of Hungary
Eva Micsik	Husband Istvan Micsik and son Levente Micsik, domiciled in Oradea	Republic of Hungary
Janos Palagyi	Wife Maria Pelaghie (Romanized name) son Sorin Pelaghie and daughter Gabriella Pelaghie, domiciled in Tirgu Mures	Republic of Hungary
Iren Sztrapek	Husband Ioan Sztrapek, domiciled in Oradea	Republic of Hungary

APPLICANTS	PERSONS CONCERNED NOW IN ROMANIA	POSSIBLE COUNTRY OF REUNIFICATION
Enikö Szakacs	Father Gabor Szakacs and mother Magdolna Szakacs, domiciled in Brasov	Republic of Hungary
Gertrude Reinhardt	Parents Elisabeth and Nikolaus Kafka	Federal Republic of Germany
Ileana Ursu	Children Radu and Monica Ursu; granddaughter Cristina Monica Iovitu	Federal Republic of Germany
Catalin P. Hustea	Fiancée Marina Corina Barby, domiciled in Bucharest, whose application for permission to marry has not been answered	United States of America
Anna Hück	Cousin Katarina Hay, her cousin's husband (Andreas Hay) and daughters Melitta and Mariechen, domiciled in Jud-Arad	Federal Republic of Germany
Anna Turtschanyi	Brother Josef Wegner, his wife Gertrude and children Erhard and Isabella, domiciled in Vladimirescu-Arad	Federal Republic of Germany
Melita Küchler	Parents Josef and Katharina Folz, brother Hartwig Folz and grandmother Helene Klein	Federal Republic of Germany
Helga Lutz	Parents Johann and Katharina Seeberger, brother Werner Seeberger and his family (wife Anna and children Siegfried and Suhela)	Federal Republic of Germany
Barbara Ardelau	Son and daughter-in-law Josef and Barbara Ardelau, granddaughter Erika Hack and her family (husband Josef Hack and son Robert Hack); granddaughter Gerlinde Graf and her husband Josef Graf	Federal Republic of Germany

APPLICANTS	PERSONS CONCERNED NOW IN ROMANIA	POSSIBLE COUNTRY OF REUNIFICATION
Elisabeth Vormittag	Sister Eva Frühauf and brother-in-law Aliton Frühauf	Federal Republic of Germany
Mathias and Barbara Gildi	Children Mathias and Renate (aged 13 and 6 respectively); other members of their family: Katharina Laubert (born 1905), Katharina Laubert (born 1925), Magdalena Gilde, Hans Reiser	Federal Republic of Germany
Johanna Maurer	Daughter Hannelore Porst, son-in-law Johann Porst, grandson Marksu Porst and mother Magdalena Maurer	Federal Republic of Germany
Erika Rung	Parents Anton and Anna Reichert, brother and sister-in-law Sebastian and Elisabeth Reichert, and their children (Bernhardt, Caroline and Harald Reichert)	Federal Republic of Germany
Peter Janson	Mother Magdalena Janson, brother Johann Janson and Johann's family (wife Anna and son Ralf Janson)	Federal Republic of Germany
Alexandru Bejan	Wife Maria Bejan, their sons Alexandru and Mihai-Vlad Bejan, domiciled in Bucharest	Federal Republic of Germany
Magdalena Zwurtschek	Niece Ekatharina Keller and the niece's daughter Lotte Karina Losch	Federal Republic of Germany
Elena and Iosif Duplica	Daughter Mihaela Mioveanu and her husband	Federal Republic of Germany
Anna Margaretha Hermann	Niece Maria Hirsch and niece's husband Johann Hirsch (parents of Anna Jager and Maria Bruck, both of whom have been in the Federal Republic of Germany since 1988)	Federal Republic of Germany

APPLICANTS	PERSONS CONCERNED NOW IN ROMANIA	POSSIBLE COUNTRY OF REUNIFICATION
Alexander Gyulai	Parents Alexander Gyulai and Irene Gyulai, née Papp; sister Gheorghina Csernat, née Gyulai, and her husband Iosif Peter Csernat, all domiciled in Timisoara	Federal Republic of Germany
Nikolaus Ziffra	Sister Eva Schmidt née Ziffra; her husband Georg Schmidt and their children, daughter-in-law and son-in-law Alfred Schmidt, Renata Schmidt, Aneliese Bartl, Erwin Bartl, Nikolaus Schmidt and Radmila Schmidt	Federal Republic of Germany
Magdalena Schaudenecker	Son Josef Schaudenecker and his family (wife Franciska and sons Willy and Roland)	Federal Republic of Germany
Gerlinde Bohnenschuh	Parents Martin and Teresia Fromboch; grandmother Ana Fromboch; sister Brigitte Regner and her family (Peter and Tommy Regner)	Federal Republic of Germany
Balthasar Dörner	Brother Johann Dörner, and Johann's wife Elisabeth and sister-in-law Katharina Haidt	Federal Republic of Germany
Magdalena Kappes	Parents Stefan and Theresia Ruff	Federal Republic of Germany
Ion Rosu	Wife Maria Rosu, children Paul Narcis and Bianca Oana Rosu, domiciled in Cluj-Napoca, mother-in-law Ana Florea, domiciled in Salaj	Switzerland
Hildegard Niklaus	Parents Friedrich and Johanna Niklaus; brother Herbert Niklaus	Federal Republic of Germany

APPLICANTS	PERSONS CONCERNED NOW IN ROMANIA	POSSIBLE COUNTRY OF REUNIFICATION
Sofia Dorner	Daughter Barbara Schlecter, and Barbara's husband Paul Schlechter, daughter Elisabeta Dremele, son-in-law Johann Dremele, and grandchildren Jürgen Alexander and Günther Eduard	Federal Republic of Germany
Anna Theresia Zellner	Son Josef Zellner and Josef's wife Evelin and two children Anita and Harold	Federal Republic of Germany

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